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ORANGE RIVER COLONY.

LETTERS PATENT AND INSTRUCTIONS

RELATING TO THE

ORANGE RIVER COLONY.

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Presented to both Houses of Parliament by Command of His Majesty.  
June 1907.

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## LIST OF PAPERS.

No.		Page
1.	Letters Patent providing for the Constitution of Responsible Government .. ..	1
2.	Letters Patent constituting the Office of Governor .. ..	42
3.	Instructions to the Governor .. ..	44

## APPENDIX.

I.	Telegram to the Governor, dated December 17, 1906 .. ..	47
II.	Telegram to the Governor, dated June 7, 1907 .. ..	47

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## ORANGE RIVER COLONY.

### Letters Patent and Instructions relating to the Orange River Colony.

#### No. 1.

LETTERS PATENT PASSED UNDER THE GREAT SEAL OF THE UNITED KINGDOM, *Dated*  
PROVIDING FOR THE ESTABLISHMENT OF RESPONSIBLE GOVERNMENT IN *5th June, 1907.*  
THE ORANGE RIVER COLONY.

Edward the Seventh by the grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India. To all to whom these Presents shall come, Greeting.

WHEREAS by Our Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the 2nd day of August, 1901, We did constitute the office of Governor and Commander-in-Chief (hereinafter called "the Governor") of Our Orange River Colony (hereinafter called "the Colony"), and did make provision for a Legislative Council in and for the said Colony;

Recites Letters  
Patent of the 2nd  
August, 1901.

And whereas We think fit to provide for the establishment of Responsible Government in the Colony:

Now know ye that We do declare Our will and pleasure to be as follows:—

#### THE LEGISLATURE.

I. In place of the Legislative Council now subsisting there shall be a Legislature consisting of a Legislative Council and a Legislative Assembly, constituted as hereinafter provided. *The Legislature.*

The constitution, appointment, and powers of the Legislative Council now subsisting shall continue in force until the date of the nomination of Members for election to the Legislative Assembly and no longer.

#### LEGISLATIVE COUNCIL.

II. The Legislative Council shall consist of eleven Members, who shall be summoned by the Governor, and if any vacancy shall occur in the Council a Member shall be appointed to fill the said vacancy by the Governor in Council until the completion of the period for which the person in whose place he is appointed would have held office. Members of the Council shall be appointed in Our name by instruments under the Public Seal of the Colony. *Legislative Council.*  
*Constitution.*



Qualification for  
membership.

III. No person shall be summoned unless he shall be of the age of 30 years or upwards, nor unless he shall have resided in the Colony for three years, nor unless he shall be qualified to be registered as a voter for some electoral division of the Colony.

Resignation of  
Members.

IV. Any Member of the Legislative Council may resign his seat therein, by writing under his hand, addressed to the Governor; and upon the receipt of such resignation by the Governor the seat of such Member shall become vacant.

President of  
Council.

V.—(1.) The Governor in Council may appoint one Member of the Legislative Council to be President thereof, and may remove him and appoint another in his stead; and the President may at any time take part in any debate or discussion in the said Council.

(2.) In the absence of the President some Member elected by the Legislative Council shall preside.

Quorum.

VI. The Legislative Council shall not be competent to proceed to the despatch of business unless four Members shall be present.

Provision for  
establishment of  
elective Legisla-  
tive Council.

VII.—(1.) Three of the Members of the Legislative Council as first constituted shall vacate their seats at the expiration of the third year from the date of the issue of the first summons of any Members thereto, four at the end of the fifth year, and four at the end of the seventh year. The Members who retire at the end of the third, fifth, and seventh years, respectively, shall be decided by lot. The Governor in Council shall summon fresh Members to take the place of the Members retiring at the end of the third, fifth, and seventh years, and every such Member, and every Member of the Legislative Council thereafter appointed, shall hold office for five years from the date of his summons to the Council. Provided that any Member retiring in manner aforesaid may be reappointed by the Governor in Council.

(2.) It shall be lawful at any time, after four years from the date of the first meeting of the Council, for the Legislature to pass a law providing for the election of Members of the Legislative Council, and thereupon, subject to the provisions of such law, the then existing Legislative Council shall be dissolved; and thereafter all Members of the Legislative Council shall be elected, and shall possess such qualifications, and shall be elected in such manner, by such persons, and for such periods, as may have been prescribed by the said law.

#### LEGISLATIVE ASSEMBLY.

Legislative  
Assembly.  
Constitution.

VIII. The Legislative Assembly shall, save as hereinafter provided, consist of thirty-eight Members, who shall be elected by the voters in the electoral divisions defined and named in the manner prescribed by the first Schedule to these Our Letters Patent.

Each such division shall return one Member of the Legislative Assembly.

Qualification of  
voters.

IX.—(1.) Every white male British subject of the age of 21 years and upwards, who is not subject to any of the disqualifications hereinafter mentioned, shall be entitled to be registered as a voter, and when so registered to vote at any election of Members of the Legislative Assembly.

(2.) Provided that no person on full pay belonging to Our regular forces maintained by annual vote of the Parliament of Our United Kingdom shall be entitled to be registered as a voter or to vote.

Persons disquali-  
fied as voters.

X. No person shall be entitled to be registered as a voter on any register of voters—

(1.) (a.) Unless he has resided in the Colony for a period of not less than six months next before the commencement (as declared by proclamation of the Governor) of the framing of a general register of voters, and—

(b.) Is at the said date *bonâ fide* residing in the registration division for which he claims to be registered.

(c.) Provided that any person who within three years next before the commencement of the framing of a general register of voters has resided in the Colony for not less than six months, but who has been temporarily absent during the six months next before that date, shall be entitled to be so

registered, notwithstanding such absence, on proof being given by him, or on his behalf, to the registering Officer that his absence was temporary.

(2.) If he has been by any of Our Courts—

(a.) Convicted since the 31st day of May, 1902, of treason or at any time of murder, unless he shall have obtained a free pardon.

(b.) Convicted at any time of any offence and sentenced to imprisonment without the option of a fine, which imprisonment shall not have expired at least three years before the date of the commencement of the framing of such register.

(3.) If he has been, within six months of the commencement of the framing of such register, in receipt of relief from public funds in the Colony not being relief by way of repatriation under Article X of the Terms of Peace of the 31st May, 1902 :

Provided that treatment without payment therefor in any hospital supported wholly or partly out of public funds shall not be regarded as relief from public funds.

XI. For the purpose of the first election of Members of the Legislative Assembly, to be held under the provisions of these Our Letters Patent, and of every subsequent election until such time as there shall be a fresh register of voters framed as hereinafter prescribed, a list shall be prepared of the persons entitled to be registered as voters in each ward of every magisterial district in the Colony, and in such town or group of towns as defined by their municipal areas to which a member or members is or are allotted in the First Schedule to these Our Letters Patent.

First elections.

XII. The registration of voters, the preparation of lists of voters, the conduct of elections, and the hearing of election petitions, shall be carried out in accordance with the Regulations prescribed in the Second Schedule to these Our Letters Patent. For the purpose of the first registration of voters, each such ward of a magisterial district, and each such town or group of towns, as the case may be, shall be deemed a registration division within the meaning of the said Schedule, and for the purpose of every subsequent registration of voters an electoral division shall be deemed to be a registration division.

Registration of voters. &c.

XIII. Upon the completion of the list of qualified voters, the Governor shall appoint three Commissioners for the purpose of the division of the Colony into electoral divisions, and may, on the death, resignation, or absence from the Colony of any of the said Commissioners, appoint another Commissioner; and any person so appointed shall have all the powers and perform all the duties of the Commissioner in whose place he is appointed. The Commissioners shall proceed in accordance with the Regulations prescribed in the First Schedule to these Our Letters Patent.

Commissioners to divide the Colony into electoral divisions.

XIV.—(1.) The Commissioners shall submit to the Governor—

List of electoral divisions.

(a.) A list of electoral divisions, with the names given to them by the Commissioners, and a description of the boundaries of every such division;

(b.) A map or maps showing the electoral divisions into which the Colony has been divided;

(c.) Such further particulars as they consider necessary.

(2.) The Governor may refer to the Commissioners, for their consideration, any matter relating to such list, or arising out of the powers or duties of the Commissioners.

(3.) The Governor shall publish the names and boundaries of the electoral divisions, as finally settled by the Commissioners, in the "Gazette," and thereafter until there shall be a redivision, the electoral divisions so named and defined shall be the electoral divisions of the Colony, and each such division shall return one member to the Legislative Assembly.

(4.) If any discrepancy shall arise between the description of the divisions and the aforesaid map or maps, the description shall prevail.

XV. The Governor shall cause to be compiled from the list of qualified voters a list of the voters resident in each electoral division of the Colony as defined by the Commissioners at the date of the commencement of the framing of the aforesaid first-mentioned list, and the list so compiled shall be

List of voters for each division.



the register of voters for such division until a new register is made as hereinafter prescribed.

Biennial registration of voters.

XVI. There shall be a biennial registration of voters in every electoral division commenced not later than the last day of December in the year next but one after the commencement of the last preceding registration, and so on during each successive biennial period. The first biennial registration shall be commenced not later than the last day of December 1909.

Redivision of the Colony into electoral divisions.

XVII. Upon the completion of the voters' lists made in pursuance of the second biennial, and thereafter of every alternate biennial, registration, the Colony shall be redivided into electoral divisions for the purpose of the election of Members of the Legislative Assembly.

Commissioners.

XVIII. For the purpose of every such redivision, the Governor in Council shall appoint three Commissioners as hereinbefore prescribed in the case of the first division of the Colony into electoral divisions, and the provisions of these Our Letters Patent with reference to the said first division of the Colony shall apply in the case of every such redivision, provided that the Commissioners shall proceed in accordance with the Regulations prescribed in the Third Schedule to these Our Letters Patent, and that for the Governor in the provisions aforesaid shall be substituted the Governor in Council.

When redivision of Colony to come into operation.

XIX. Any redivision of the Colony made as aforesaid shall come into operation at the next general election held after the completion of the redivision, and not earlier.

Qualification of Members of Legislative Assembly.

XX.—(1.) Any person (save as herein excepted) who shall be qualified to be registered as a voter in and for any electoral division shall be qualified and entitled to be elected a Member of the Legislative Assembly for that or any other electoral division.

(2.) No person holding any office of profit under the Crown within the Colony, other than a Minister, as hereinafter defined, a member of the Inter-Colonial Council, of the Liquor Licensing Court, or of any Commission appointed by the Governor in Council, or under the provisions of any law to make any public inquiry, no unrehabilitated insolvent, no person whose estate shall be in liquidation under assignment in trust for his creditors, and no person declared of unsound mind by a competent Court, shall be eligible to be elected a Member of the said Assembly.

(3.) The receipt of a pension from the Crown, or by an officer of Our naval or military forces of retired or half pay, shall not be deemed to be holding an office of profit under the Crown.

(4.) No person who has acted as a registering or revising officer in connection with the framing or revision of a voters' list for any electoral division shall be eligible to be elected as a Member for that division while such list is in force.

Speaker of Legislative Assembly.

XXI.—(1.) The Legislative Assembly shall on their first meeting, before proceeding to the despatch of any other business, elect one of their Members to be Speaker of the said Assembly (subject to confirmation by the Governor) until the dissolution thereof, and in case of vacancy in the office another Speaker shall be elected in like manner, and subject to such confirmation as aforesaid.

(2.) The seat of a Member elected to be Speaker shall thereupon become vacant, and a fresh election shall forthwith be held to fill the vacancy, and the Speaker shall not be a Member of the Legislative Assembly while he is Speaker.

Speaker to preside.

XXII. The Speaker or, in his absence, some Member elected by the Legislative Assembly, shall preside at the meetings thereof.

Quorum.

XXIII. The Legislative Assembly shall not be disqualified from the transaction of business on account of any vacancies among the Members thereof, but the said Assembly shall not be competent to proceed to the despatch of business unless ten Members be present.

Resignation of seat in Legislative Assembly.

XXIV. Any Member of the Legislative Assembly may resign his seat therein by writing under his hand addressed to the Speaker, and upon the receipt of such resignation by the Speaker the seat of such Member shall become vacant :

Provided that no Member shall, without the permission of the Legislative Assembly, resign his seat while any proceedings are pending in respect of



his election, if it is alleged in those proceedings that any corrupt or illegal practices took place at that election.

XXV.—(1.) Whenever a vacancy occurs in the Legislative Assembly from any cause, other than as the result of an election petition, the Speaker shall, upon a Resolution of the said Assembly declaring such vacancy, inform the Governor thereof. Writs for filling vacancies.

(2.) Provided that if such vacancy occurs when the Legislative Assembly is not in session, the Speaker, or, in case of the death, incapacity, or absence from the Colony of the Speaker, the Clerk to the Assembly, may, on a certificate under the hands of two Members of the Assembly, stating that such vacancy has occurred and the cause thereof, inform the Governor thereof.

(3.) The Governor, on receiving such information, shall cause the necessary steps to be taken as prescribed in the Second Schedule hereto for filling such vacancy.

#### LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY.

XXVI.—(1.) There shall be a Session of the Legislature once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the Legislature in one Session and the first sitting thereof in the next Session. Sessions of Legislature.

(2.) The first Session shall be held within six months of the date when these Our Letters Patent shall commence to take effect.

XXVII. The first and every other Session of the Legislature shall, until otherwise directed by law, be held in Bloemfontein at such times as may be notified by the Governor by Proclamation in the "Gazette." Place and times of holding Sessions of Legislature.

XXVIII.—(1.) The Governor may from time to time prorogue the Legislature by Proclamation, which shall be published in the "Gazette," and the Governor may, whenever he shall think fit, dissolve the Legislative Assembly and any elected Legislative Council in like manner. Prorogation and dissolution of Legislative Council and Legislative Assembly.

(2.) The Governor shall dissolve the Legislative Assembly and any elected Legislative Council at the expiration of five years from the date of its election.

XXIX. The Governor may transmit by Message to the Legislative Council and the Legislative Assembly the draft of any Bill which it may appear to him desirable to introduce, and all such drafts shall be taken into consideration by the said Council and Assembly, as the case may be, in such convenient manner as shall be provided in that behalf by Rules of Procedure. Governor may transmit Bills to Legislature.

XXX.—(1.) Every Member of the Legislative Council and Legislative Assembly shall, before being permitted to sit or vote therein, take and subscribe the following oath before the President or Speaker respectively, or before such person as may be appointed thereto by the Governor, should such oath be required to be taken before the appointment or election of a President or Speaker, as the case may be:— Oath to be taken by Members of Legislature.

"I, A. B., do swear that I will be faithful and bear true allegiance to His Majesty King Edward the VIIth, his heirs and successors, according to law. So help me God."

(2.) Provided that any person authorized by law to make a solemn affirmation or declaration instead of taking an oath, may make such affirmation or declaration in lieu of such oath.

XXXI. All questions in the Legislative Council or Legislative Assembly shall be determined by a majority of the votes of Members present, other than the President, Speaker, or presiding Member, who shall, however, have and exercise a casting vote in case of an equality of votes. All questions to be decided by majority of votes.

XXXII. If any Member of the Legislative Council or Legislative Assembly— Member's seat in Legislature, how vacated.

(1.) Shall fail for a whole ordinary annual Session to give his attendance in the Legislative Council or Legislative Assembly; or

(2.) Shall take any oath, or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign State or Power; or

(3.) Shall do, concur in, or adopt any act whereby he may become the subject or citizen of any such State or Power; or

(4.) Shall become an insolvent or take advantage of any Law for the relief of insolvent debtors; or

(5.) Shall be a public defaulter, or be attainted of treason, or be sentenced to imprisonment for any infamous crime; or

(6.) Shall become of unsound mind; or

(7.) Shall accept any office of profit under the Crown other than that of a Minister, that of a member of the Inter-Colonial Council, of the Liquor Licensing Court, or of any Commission appointed by the Governor in Council, or under any law to make any public inquiry, or that of an officer of Our naval and military forces on retired or half pay;

his seat shall become vacant, and if any person under any of the disqualifications herein mentioned shall, whilst so disqualified, knowingly sit or vote as a Member of the said Council or Assembly, such person shall forfeit the sum of one hundred pounds, to be recovered by the Attorney-General for the benefit of the Treasury by action in the High Court:

Saving of pensioners.

Provided that a person in receipt of pension from the Crown shall not be deemed to hold an office of profit under the Crown within the meaning of this section.

Standing Rules and Orders.

XXXIII.—(1.) The Legislative Council and Legislative Assembly in their first Session, and from time to time afterwards, as there shall be occasion, shall each adopt Standing Rules and Orders, joint as well as otherwise, for the regulation and orderly conduct of their proceedings and the despatch of business, and for the order in which the said Council and Assembly shall confer, correspond, and communicate with each other, and for the passing, intituling, and numbering of Bills, and for the presentation of the same to the Governor for Our assent.

(2.) All such Rules and Orders shall by the said Council and Assembly respectively be laid before the Governor in Council, and being by him approved shall become binding and of force.

(3.) Provided that the Standing Rules and Orders of the Legislative Council as now subsisting shall, until altered, added to, or amended, be the Standing Rules and Orders of the Legislative Council and of the Legislative Assembly.

Officers of Legislature.

XXXIV. The salary of the President of the Legislative Council and of the Speaker of the Legislative Assembly shall be such as may be prescribed by any Law of the Colony; and the Chief Clerk for the time being of the Legislative Council and of the Legislative Assembly shall respectively be removable from office only in accordance with a vote of the House of which he is an officer.

Privileges, &c., of Members.

XXXV. It shall be lawful for the Legislature of the Colony by any Law to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council and Legislative Assembly, and by the Members thereof respectively:

Provided that no such privileges, immunities, or powers shall exceed those for the time being held, enjoyed, and exercised by the Commons' House of Parliament of Our United Kingdom, or the Members thereof.

Language in debates

XXXVI.—(1.) All debates and discussions in the Legislative Council and Legislative Assembly shall be conducted in the English or Dutch language, and in no other language, and copies of the votes and proceedings of the said Council and Assembly, and of all proposed laws, shall be printed both in the English and Dutch languages.

Language in records.

(2.) Save as aforesaid, all journals, entries, minutes, and proceedings of the Legislative Council and Legislative Assembly shall be made and recorded in the English language.

Payment of Members.

XXXVII.—There shall be paid out of the public revenue of the Colony to every Member of the Legislature the sum of one hundred and fifty pounds, together with the sum of two pounds for every day of the Session on which he has been in attendance: Provided that the sum paid to any such Member in any one calendar year shall not exceed three hundred pounds, and that no such payment shall be made to any such Member who is a Minister or who is President of the Legislative Council or to the Speaker of the Legislative Assembly.



## LEGISLATION.

XXXVIII.—(1.) It shall be lawful for Us and Our successors, by and with the advice and consent of the Legislative Council and Legislative Assembly, subject to the provisions of these Our Letters Patent, to make all Laws, to be entitled “Acts,” which shall be required for the peace, order, and good government of the Colony. Power to make laws.

(2.) A Law passed by the Legislative Council and Legislative Assembly may repeal or alter any of the provisions of these Our Letters Patent.

XXXIX.—(1.) If the Legislative Assembly passes any proposed Law and the Legislative Council rejects or fails to pass it, or passes it with amendments to which the Legislative Assembly will not agree, and if the Legislative Assembly, in the next Session, again passes the proposed Law with or without any amendments which have been made, suggested, or agreed to by the Legislative Council, and the Legislative Council rejects, or fails to pass it, or passes it with amendments to which the Legislative Assembly will not agree, the Governor may during that Session convene a joint sitting of the Members of the Legislative Council and Legislative Assembly in the manner hereinafter provided, or may dissolve the Legislative Assembly, and may simultaneously dissolve both the Legislative Council and Legislative Assembly if the Legislative Council shall then be an elected Council. But such dissolution shall not take place within six months before the date of the expiry of the Legislative Assembly by effluxion of time. Disagreement between the Legislative Council and the Legislative Assembly.

(2.) If after such dissolution the Legislative Assembly again passes the proposed Law, with or without any amendments, which have been made, suggested, or agreed to by the Legislative Council, and the Legislative Council rejects or fails to pass it, or passes it with amendments to which the Legislative Assembly will not agree, the Governor may convene a joint sitting of the Members of the Legislative Council and of the Legislative Assembly, at which the Speaker of the Legislative Assembly shall preside.

(3.) The Members present at any joint sitting convened under either of the preceding sub-sections, may deliberate and shall vote together upon the proposed Law, as last proposed by the Legislative Assembly, and upon amendments, if any, which have been made therein by the one House of the Legislature and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the Members of the Legislative Council and Legislative Assembly shall be taken to have been carried, and if the proposed Law, with the amendments, if any, so carried, is affirmed by an absolute majority of the total number of the Members of the Legislative Council and Legislative Assembly, it shall be taken to have been duly passed by the Legislature.

XL. When any Law has been passed by the Legislature it shall be presented for Our assent to the Governor, who shall declare according to his discretion, but subject to this Constitution and to any instructions in that behalf given to him under Our Sign Manual and Signet, or through a Secretary of State, that he assents in Our name, or that he withholds assent, or that he reserves the Law for the signification of Our pleasure. Governor's assent to Laws.

XLI. Unless he shall have previously obtained Our instructions upon such Law through a Secretary of State, or unless such Law shall contain a clause suspending the operations of such Law until the signification in the Colony of Our pleasure thereupon. Description of Bills to be reserved.

The Governor shall reserve—

(a.) Any Law whereby persons not of European birth or descent may be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable.

(b.) Any Law which may repeal or alter any of the provisions of these Our Letters Patent or of any Letters Patent or Orders in Our Privy Council relating to the Colony.

And whereas it is Our will and pleasure that all persons within Our dominions shall be free from any conditions of employment or residence of a servile character, the Governor shall reserve any Law providing for the introduction under contract, indenture, or licence, of labourers into the Colony from places outside South Africa.



Return of Bills by Governor to the Legislature.

XLII. The Governor may return to the Legislative Council and Legislative Assembly any proposed Law so presented to him, and may transmit therewith any amendments which he may recommend, and the Legislative Council and Legislative Assembly may deal with the recommendation.

Disallowance by the King.

XLIII. It shall be lawful for Us, Our heirs and successors, to disallow any Law within two years from the date of the Governor's assent thereto, and such disallowance, on being made known by the Governor by speech or message to the Legislative Council and the Legislative Assembly, or by Proclamation, shall annul the Law from the day when the disallowance is so made known.

Signification of King's pleasure on Bills reserved.

XLIV. A proposed Law reserved for Our pleasure shall not have any force unless and until, within two years from the day on which it was presented to the Governor for Our assent, the Governor makes known, by speech or message to the Legislative Council and the Legislative Assembly, or by Proclamation, that it has received Our assent.

Laws reserved when to take effect.

XLV. Whenever any Law has been reserved for the signification of Our pleasure thereon, and the Governor shall signify, either by message to the Legislature or by Proclamation in the "Gazette," that such Law has been laid before Us in Our Privy Council, and that We have been pleased to assent to the same, an entry shall be made in the journals of the Legislative Council and Legislative Assembly of every such message or Proclamation, and a duplicate thereof duly attested shall be delivered to the proper officer, to be kept amongst the records of the Colony.

Laws to be printed in "Gazette."

XLVI. The Governor shall cause every Law which shall have been assented to in Our name to be printed in the "Gazette," in both the English and Dutch languages, for general information.

Copies of Laws to be enrolled.

XLVII. As soon as may be after any Law shall have been assented to in Our name by the Governor, or, having been reserved for the signification of Our pleasure, Our assent thereto shall, in manner aforesaid, have been signified by the Governor, the Clerk of the Legislative Assembly shall cause a fair copy of such Law, in the English language, signed by the Governor, to be enrolled on record in the Office of the Registrar of the High Court, and such copy shall be conclusive evidence as to the provisions of every such Law: provided, however, that the validity of any such law shall not depend upon the enrolment thereof.

Certificates of disallowance to be enrolled.

XLVIII. Whenever any Law assented to by the Governor in Our name in manner aforesaid has been disallowed by Us, the Governor shall cause a certificate of such disallowance, certified under the Public Seal of the Colony, to be enrolled in the Office of the Registrar of the High Court.

#### THE MINISTRY.

Ministerial offices.

XLIX. (1.)—Within four months after the commencement of these Our Letters Patent the Governor may designate such offices as he thinks fit, not being more than five in number, to be offices of Ministers.

(2.) Appointments to such offices shall be made by the Governor in Our name, and such offices shall be held during Our pleasure.

(3.) The holders of such offices shall be styled Ministers, and a Minister shall not vacate his seat in the Legislative Council or Legislative Assembly by reason of his appointment to or retention of any such office.

Rights of Ministers to speak and vote.

(4.) Every Minister who is a Member of either House of the Legislature shall have the right to sit and speak both in the Legislative Council and Legislative Assembly, but shall vote only in the Council or Assembly (as the case may be) of which he is a Member.

#### JUDGES.

Judges' appointment, tenure, and remuneration.

L. The Judges of the High Court—

(1.) Shall be appointed by the Governor in Council;

(2.) Shall not be removed except by the Governor in Council on an address from the Legislative Council and Legislative Assembly, praying for such removal on the ground of proved misbehaviour or incapacity;

(3.) Shall receive such remuneration as shall from time to time be prescribed by Law, but the remuneration of a Judge shall not be diminished during his tenure of office.

(4.) The remuneration of the present Judges shall not be diminished, and their commissions shall continue as heretofore.

#### INTERCOLONIAL COUNCIL.

LI. (1.)—(a.) The Intercolonial Council, established under the Intercolonial Council South Africa Orders in Council, shall continue to exercise such powers and perform such duties as it has hitherto exercised and performed. Intercolonial Council.

(b.) On the date of the election of the Legislative Assembly, the four Members of the Council nominated by the Lieutenant-Governor, and the four Members of the Council elected from among themselves by the Members of the present Legislative Council of the Colony, shall cease to be Members of the said Intercolonial Council.

(c.) The vacancies caused on the said Council as aforesaid, and the vacancy caused by the abolition of the office of Lieutenant-Governor of the Colony, shall be filled by—

(1.) Five Members of the Legislative Assembly to be elected by it from among the Members thereof as soon as practicable after its first meeting; and

(2.) Four persons to be appointed thereto by the Governor in Council.

(d.) Provided that it shall be lawful for the Governor, prior to such election or appointment, to appoint such persons as he may think fit to fill vacancies on the said Council or on the Railway Committee thereof, caused as aforesaid, who shall hold office as Members of the Council until the said election and appointment as aforesaid, and as Members of the said Committee until the appointment of a Railway Committee by the Intercolonial Council according to Law.

(2.) The Government of the Orange River Colony or the Government of the Transvaal may, at any time after Ministers have been appointed under Responsible Government in both Colonies, give notice either to the other to terminate the Council or any of the services now administered by it, or on its advice; and at the expiration of six months from the date of such notice the Council shall cease to exist, or such service shall be terminated and no longer administered by the said Council, or on its advice, as the case may be; and the said Intercolonial Council South Africa Orders in Council shall cease to be operative either entirely or in respect of the service so terminated, as the case may be, without prejudice to anything lawfully done thereunder.

(3.) All the property administered by or on the advice of the said Council, and all its rights and liabilities in connection therewith, shall, on the termination of the said Council, or on the termination of any service administered by or on its advice, in so far as such property, rights, and liabilities relate to such service, be equitably apportioned and divided between the Governments of the said Colonies, provided always that no such apportionment or division shall be carried out in such a way as to affect the rights of creditors or any mortgage or security upon any property now vested in the High Commissioner and Governor as the common property of both Colonies, and in particular any mortgage charge or security securing the payment of the capital and interest of the loan authorized by the Ordinance of the Transvaal intituled the "Transvaal Guaranteed Loan Ordinance, 1903." For the purposes of such apportionment and division the aforementioned loan shall be deemed and taken to be a liability of the Council.

(4.) In default of agreement between the Government of the Colony and of the Government of the Transvaal touching any such apportionment and division, or any matter consequent upon the termination of the Council or of any service administered by it, such matter shall, if both Governments agree thereto, be referred to arbitration, and in default of such agreement, then, upon the petition of either Government, shall be referred to Us in Our Privy Council, and Our said Council shall have power to hear and finally



determine the same, and the Government of the Colony shall thereupon take all such action as may be necessary to carry out the decision of Our said Council.

#### NATIVE ADMINISTRATION.

Governor to continue to have authority over natives

Assemblies of Chiefs, &c.

LII.—(1.) The Governor shall exercise over all Chiefs and natives in the Colony all power and authority now or at any time hereafter vested in him as Paramount Chief.

(2.) The Governor in Council may at any time summon an assembly of native Chiefs, and also, if it shall seem expedient, of other persons having special knowledge and experience in native affairs, to discuss with the Governor, or such representative as the Governor in Council may appoint, any matters concerning the administration of native affairs or the interests of natives, and the Governor in Council shall consider any reports or representations submitted to him by any such assembly, and shall take such action thereupon as may seem necessary or proper.

Native lands.

(3.) No lands which have been, or may hereafter be, set aside for the occupation of natives shall be alienated or in any way diverted from the purposes for which they are set apart otherwise than in accordance with a Law passed by the Legislature.

#### LAND SETTLEMENT.

LIII. (1.)—(a.) There shall be established in the Colony on the appointed day (as hereinafter defined) a Board, to be called the Orange River Colony Land Settlement Board, for the purpose of exercising and discharging, in respect of the lands, houses, and other fixed property hereinafter mentioned and the persons in occupation of them, the rights and duties conferred and imposed upon the Government of the Colony or any Member thereof by any Law of the Colony or by any Agreement between such persons and the Government. For the purposes of this section persons in occupation shall include persons who, after the appointed day may become the lawful occupiers of any such lands, houses, or other fixed property.

(b.) The Board shall be a Body Corporate, and shall consist of three Members, resident in the Colony, one of whom shall be Chairman. The Chairman and Members of the said Board shall be appointed by the Governor, and shall hold office during his pleasure, and be paid such salaries as he may determine. Two Members of the Board shall form a quorum.

If any vacancy arises on the Board, the Governor shall appoint some other person residing in the Colony to fill such vacancy.

(c.) It shall be lawful for the Governor to appoint, at such salaries as he may determine, such officers as may be necessary to assist the Board in carrying out the purposes for which it is established, whether from the existing staff of the Land Settlement Department or otherwise, provided that all Members of the existing staff of the Land Settlement Department so appointed whose offices are on the appointed day included in the Schedule to the "Pensions Ordinance, 1904," or any amendments thereof, shall be entitled to reckon their subsequent service with the Land Settlement Board for pension purposes under the laws of the Colony and to make rules and regulations—

- (1.) For the proper discharge by the Board and the aforesaid officers of the duties imposed on them ;
- (2.) For the proceedings of the said Board ;
- (3.) For the proper keeping of and auditing of the accounts of the said Board.

(2.)—(a.) There shall, on the appointed day, be transferred, without payment of transfer duty, stamp duty, or registration charges in the Deeds Office of the Colony, to and in the name of the Board and for the purposes aforesaid, such of Our lands in the Colony as are on the appointed day held by settlers on the conditions prescribed in the Ordinance of the Colony



intituled the "Lands Settlement Ordinance, 1902," or any Ordinance amending the same, or any Agreement made under the said Ordinances, and all houses and other fixed property situated within any town or village and purchased by the Government out of funds allocated for the purposes of land settlement.

For the purposes of this section such lands shall be deemed to be held by settlers as aforesaid on the appointed day as shall then be in the possession and occupation of purchasers or lessees under the said Ordinances, or of intending purchasers or lessees to whom such lands have been allotted, notwithstanding that their Agreements have not been completed, or notwithstanding that the boundaries of such lands have not been fully determined.

(b.) There shall further be transferred, on the appointed day, to the Board for the aforesaid purposes, all movable property vested in the Government of the Colony and used in connection with the said lands, houses, or other fixed property, all rights and obligations acquired or incurred by the Government against or towards the persons in occupation of the said lands and in respect thereof, and all cattle, sheep, or other live-stock purchased out of the aforesaid funds, and used or held by the Land Settlement Department for purposes connected with land settlement.

(c.) There shall further be transferred to the Board for the said purposes, and more especially for the purposes of making advances under the authority of the said Lands Settlement Ordinances to the persons in occupation of the aforementioned lands, all moneys paid to the said Government by such persons as aforesaid in discharge of their obligations to it, and held by it on the appointed day for or on account of land settlement, and any balance of money appropriated by the Intercolonial Council to the said Government out of the loan authorized by the "Transvaal Guaranteed Loan Ordinance, 1903," for the purposes of land settlement, together with such further sums as may be approved by a Secretary of State, out of moneys hereafter appropriated to the Government by the said Council for land settlement purposes.

(3.) (a.)—The said Board may, with the approval of the Governor, exercise all the rights and discharge all the duties conferred and imposed by law or agreement on the Government of the Colony, or any Member thereof in respect of the aforementioned lands, houses, or other fixed property and the persons in occupation of them, and may appropriate to such purpose and generally to the cost of carrying out this section any moneys paid to it after the appointed day by such persons as aforesaid in discharge of any obligations incurred by them to the Government, as well as any moneys transferred to it under subsection 2 (c) of this section.

(b.) The said Board, with the approval of the Governor, when and as it may deem necessary and equitable, may remit or defer payment of any moneys due to it by settlers.

(4) (a.)—The rights, powers, and duties conferred and imposed by this section on the Board shall be determined on the expiration of five years reckoned from the appointed day; provided always that it shall be competent for the Government of the Colony to make an agreement, subject to the consent of the Governor and with the approval of a Secretary of State, with the Board in respect of the matters referred to in this section, whereby the said rights, powers, and duties aforesaid shall be sooner determined.

(b.) On the determination of the said rights, powers, and duties the Board shall transfer to the Governor in Council the aforementioned lands, houses, and other fixed property registered in its name and all movable property, moneys, rights, and obligations acquired and incurred by it under the provisions of this section, and the Board shall thereupon be dissolved.

(5.) The appointed day shall be such day as may be proclaimed by the Governor in the "Gazette."

#### GENERAL PROVISIONS.

LIV. All taxes, imposts, rates, and duties, and all territorial, casual, and other revenues of the Crown (including royalties) from whatever source arising within the Colony over which the Legislative Council and Legislative

Consolidated  
Revenue Fund.

Assembly have power of appropriation, shall form one Consolidated Revenue Fund to be appropriated to the public service of the Colony in the manner and subject to the charges hereinafter mentioned.

Costs of collection and management of fund.

LV.—(1.) The Consolidated Revenue Fund shall be permanently charged with all the costs, charges, and expenses incident to the collection, management, and receipt thereof.

(2.) All such costs, charges, and expenses shall be subject to be reviewed and audited in such manner as may from time to time be directed by any Law passed by the Legislature.

Appropriation and Taxation Bills to originate in Legislative Assembly.

LVI. All Bills for appropriating any part of the Consolidated Revenue Fund or for imposing, altering, or repealing any rate, tax, duty, or impost shall originate in the Legislative Assembly.

Powers of Legislative Council thereon.

LVII. The Legislative Council may either accept or reject any Money Bill passed by the Legislative Assembly, but may not alter it.

Manner in which the public revenue shall be appropriated to the public service.

LVIII.—(1.) It shall not be lawful for the Legislative Assembly to pass any law, vote, or resolution which shall have the effect of appropriating any part of Our revenue within the Colony or of imposing any rate, tax, or duty, unless such law, vote, or resolution has been first recommended to the Assembly by message of the Governor during the Session in which it is proposed.

(2.) No part of Our revenue within the Colony shall be issued except in pursuance of a Warrant under the hand of the Governor directed to the Colonial Treasurer.

Reserved Civil List.

LIX.—(1.) There shall be payable to Us in every year, out of the Consolidated Revenue Fund, the sums mentioned in Schedules 4 and 5 to these Our Letters Patent for defraying the expenses of the services and purposes set forth in the said Schedules.

(2.) The said several sums shall be issued by the Treasurer in discharge of such Warrants as shall from time to time be directed to him under the hand of the Governor.

Appointments to public offices.

LX. The appointment to, and removal from, all public offices under the Government of the Colony hereafter to become vacant or to be created, save those of Ministers, shall, subject to any Law hereafter in force in the Colony, be vested in the Governor in Council.

Pensions on retirement of certain official Members of the Executive Council.

LXI.—(1.) In the event of the retirement from office of any Member of the Executive Council named in Schedule 5 hereto, such Member shall, subject to the proviso hereafter contained, be entitled to the pension set opposite his name in the said Schedule:

(2.) Provided that if any such Member shall accept any other appointment under the Crown in the Colony or elsewhere, his pension or retiring allowance shall, during the tenure of such appointment, merge or be reduced *pro tanto*, according as the salary or emolument of any such appointment shall be equal to or less than the pension or retiring allowance of such Member.

Powers of Lieutenant-Governor to be exercised by Governor in Council.

LXII.—(1.) Where, under any Law of the Colony, any power, jurisdiction, or authority is at the date of the commencement of these Our Letters Patent exercised by the Lieutenant-Governor, such power, jurisdiction, or authority shall be exercised by the Governor in Council, and where, under any Law, any power, jurisdiction, or authority has been conferred on any member of the existing Executive Council of the Colony, such power, jurisdiction, or authority shall be exercised by the Minister to whom it shall be assigned by the Governor in Council.

Meaning of "Legislative Council" in existing Laws.

(2.) Where in any existing Law the words "Legislative Council" occur, they shall, unless the context otherwise indicates, be read as if they were "Legislative Council and Legislative Assembly."

Power to amend by Proclamation.

LXIII. The Governor may, by proclamation in the "Gazette," at any time before the date of the nomination of persons for election as Members of the Legislative Assembly, and provided that Our approval be previously signified to him through a Secretary of State, vary, annul, or add to any of the provisions of these Our Letters Patent in order to carry out the purposes of the same, and may provide for any other matter necessary in order to carry into effect the provisions thereof.

Definitions.

LXIV. In these Our Letters Patent, unless the contrary intention appears—



"Date of the election of the Legislative Assembly" means the date of the Proclamation in the "Gazette" of the persons elected as members of the Legislative Assembly at a General Election.

"Gazette" means the Orange River Colony Government Gazette.

"Governor" means the officer for the time being administering the government of the Colony.

"Governor in Council" means the Governor acting by and with the advice of the Executive Council.

"Secretary of State" means one of Our Principal Secretaries of State.

LXV. These Our Letters Patent shall be proclaimed at such place or places within the Colony as the Governor shall think fit, and shall commence and come into operation on a day to be fixed by the Governor by proclamation in the "Gazette," and thereupon the Letters Patent and Instructions, described in Schedule 6 hereto, shall, without prejudice to anything lawfully done thereunder, be revoked.

Commencement of Letters Patent.

Revocation of earlier Letters Patent, &c.

LXVI. These Our Letters Patent may be cited as "The Orange River Colony Constitution Letters Patent, 1907."

Short title.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, this Fifth day of June, in the seventh year of Our Reign.

By Warrant under the King's Sign Manual.

MUIR MACKENZIE.



## SCHEDULE I.

(See Section VIII.)

1. Members of the Legislative Assembly shall be allowed to each of the following magisterial districts and towns or groups of towns of the Colony as at present defined:—

Bethlehem (D) ...	...	...	...	...	...	...	...	...	1
Bethlehem, Fouriesberg, and Ficksburg (T)	...	...	...	...	...	...	...	...	1
Bethulie (D) ...	...	...	...	...	...	...	...	...	1
Bloemfontein (D) ...	...	...	...	...	...	...	...	...	2
Bloemfontein (T) ...	...	...	...	...	...	...	...	...	5
Boshof (D) ...	...	...	...	...	...	...	...	...	1
Edenburg (D) ...	...	...	...	...	...	...	...	...	1
Fauresmith and Jacobsdal (D) ...	...	...	...	...	...	...	...	...	1
Jagersfontein and Koffyfontein (T)	...	...	...	...	...	...	...	...	1
Ficksburg (D) ...	...	...	...	...	...	...	...	...	1
Fraukfort (D) ...	...	...	...	...	...	...	...	...	1
Harrismith (D) ...	...	...	...	...	...	...	...	...	1
Harrismith (T) ...	...	...	...	...	...	...	...	...	1
Heilbron (D) ...	...	...	...	...	...	...	...	...	1
Parijs, Vredefort, and Heilbron (T)	...	...	...	...	...	...	...	...	1
Hoopstad (D) ...	...	...	...	...	...	...	...	...	1
Kroonstad (D) ...	...	...	...	...	...	...	...	...	2
Kroonstad (T) ...	...	...	...	...	...	...	...	...	1
Ladybrand (D) ...	...	...	...	...	...	...	...	...	1
Ladybrand and Thaba 'Nehu (T)	...	...	...	...	...	...	...	...	1
Lindley (D) ...	...	...	...	...	...	...	...	...	1
Philippolis (D) ...	...	...	...	...	...	...	...	...	1
Rouxville (D) ...	...	...	...	...	...	...	...	...	2
Senekal (D) ...	...	...	...	...	...	...	...	...	1
Smithfield (D) ...	...	...	...	...	...	...	...	...	1
Thaba 'Nehu ...	...	...	...	...	...	...	...	...	1
Vrede... ..	...	...	...	...	...	...	...	...	1
Vredefort ...	...	...	...	...	...	...	...	...	1
Wepener ...	...	...	...	...	...	...	...	...	1
Winburg ...	...	...	...	...	...	...	...	...	2
Total ...	...	...	...	...	...	...	...	...	38

2. The Commissioners shall divide each magisterial district and town hereinbefore mentioned to which more than one member is allotted into electoral divisions, each returning one member to the Legislative Assembly. In so doing, due regard shall be paid to the following considerations:—

- (a.) The number of voters in any magisterial district or town as aforesaid, divided by the number of members of the Legislative Assembly allotted to such district or town respectively, shall be termed the quota, and each of the electoral divisions into which such district or town is divided shall, subject to the considerations hereinafter mentioned, contain a number of voters as nearly as may be equal to the quota for such district or town respectively.
- (b.) The electoral divisions aforesaid shall, as far as may be, follow recognized administrative boundaries, and, if necessary to enable this to be done, the number of voters in an electoral division may differ as much as 15 per cent. from the quota of the magisterial district or town in which it is situated.
- (c.) In delimitation the Commissioners shall give due consideration to—
  - (a.) Existing boundaries of towns, municipal and magisterial wards, and the boundaries of old magisterial districts, now included in existing magisterial districts;
  - (b.) Community or diversity of interest;
  - (c.) Means of communication;
  - (d.) Physical features.
- (d.) If there shall be in any magisterial district a town within the boundaries of which there shall be a number of voters not less than the quota for the district, the town or so much thereof as shall contain a number of voters approximately equal to the quota for the district shall be made a separate electoral division, and if the number of voters in any such town shall not be equal to the quota for the district the whole of the town shall be included in one electoral division.

## SCHEDULE II.

(See Section XII.)

REGULATIONS as to the registration of voters, the preparation of lists of voters, and the conduct of elections.

## PART I.

*Application of Part I.*

1. Part I of this Schedule shall apply to the preparation and revision of voters' lists.

*Registering Officers.*

2. For the purpose of compiling the general register of qualified voters for any election of members in and for the electoral divisions into which the Colony is divided, the Governor shall by Proclamation in the Gazette enjoin and direct some fit and proper person (hereinafter referred to as the "Registering Officer") to make out in and for each registration division an alphabetical provisional list of all persons qualified to be registered as voters who are *bonâ fide* residing in such registration division. Such Proclamation shall fix the date of the commencement of such list and the date of the completion thereof.

Upon the issue of such Proclamation the Colonial Secretary shall cause a notice in terms of Annexure (A) hereto to be inserted both in English and Dutch in the Gazette and in some newspaper or newspapers circulating within such registration division, or to be given in such other manner as he may deem best for the purpose of general information.

*Particulars to be inserted in Provisional List of Voters.*

3. The Registering Officer shall insert in the said list the name, residence, trade, profession, or occupation of every person who shall be known, or on reasonable grounds believed by him, to be entitled to be inserted therein, or who shall in manner hereinafter prescribed claim to be inserted therein: provided he is satisfied after due inquiry that such claim is *bonâ fide*, and that the claimant possesses the required qualification.

*Provisional List to be posted in Public Place.*

4.—(1.) At the expiration of the time fixed by the Proclamation aforesaid for the completion of the list aforesaid it shall be the duty of the Registering Officer to post and affix the same on the door of or in some conspicuous place near to his office or dwelling-house, or in some other public place or places within the registration division for which such list is framed. The said list shall remain so posted or affixed between the hours of seven in the morning and five in the afternoon daily for a period of not less than five weeks.

(2.) If any person shall during such period as aforesaid wilfully tear down, cover over, deface, or obliterate either wholly or in part any such list or any such other list or notice as is hereinafter mentioned, he shall on conviction be liable to be imprisoned with or without hard labour for a period not exceeding three months.

*Notices to be annexed to Lists posted under last preceding Section.*

5. There shall be subjoined or annexed to every list posted under the last preceding section a notice signed by the Registering Officer, which notice shall be both in the English and Dutch languages and shall be in substance as set forth in Annexure (B) hereto.

*Form of Claim and Objection.*

6.—(1.) The form of claim to be registered as a voter and the form of objection to the name of any person inserted in the aforesaid list shall be annexed to the notice mentioned in the last preceding section and shall be in substance as set forth in Annexure (C) hereto and shall be signed—

(i.) In the case of a claim;

(a.) By the claimant himself if he is actually resident in the Colony; or

(b.) If the claimant is temporarily absent from the Colony, by a person resident therein authorized by such claimant in writing;

(ii.) In the case of an objection by the objector himself.

Every such form of claim or objection shall be signed in the presence of one witness at least.

(2.) Any person delivering to the Registering Officer any claim to be registered as a voter may tender such claim in duplicate, and it shall be the duty of the Registering Officer when a claim is so tendered to him, upon satisfying himself that the contents of the original and duplicate are alike, to retain the original and return the duplicate to the person who tendered it to him, having first signed the same and properly dated it.

(3.) Every claim to be registered as a voter lodged with the Registering Officer shall be open to public inspection at the office or house of the Registering Officer or at such convenient place within the registration division as may be publicly notified by the Registering Officer between the hours of 10 in the morning and 5 in the afternoon, excepting Sunday, for the period between the last day for sending in claims and the day fixed by the Registering Officer for lodging objections.

*Registering Officer's Duty with regard to Claims.*

7. It shall be the duty of the Registering Officer to receive and deal as directed by this Schedule with all claims to be registered as voters which are lodged with him within the period prescribed for lodging claims, whether such claims are transmitted through the post or delivered or sent to him in any other manner. Immediately on the expiration of the period prescribed for lodging claims, the Registering Officer shall frame an alphabetical list of all claimants whose names have been lodged with him, which list shall be in the form prescribed in Annexure (D) hereto.

*List of Claimants to be posted up.*

8. The Registering Officer shall forthwith post or affix the aforesaid list of claimants in the same place or places where the provisional list of voters already framed by him has been posted or affixed, and as close as possible to the said provisional list. The said list of claimants shall remain so posted or affixed between the hours of seven in the morning and five in the afternoon daily until the date fixed by the Registering Officer for the lodging of objections. Subjoined or annexed to every such list of claimants posted or affixed as aforesaid shall be a notice signed by the Registering Officer, which notice shall be written both in the English and Dutch languages, and shall be in substance as set forth in Annexure (E) hereto.

*Registering Officer's Duty as to Objections.*

9.—(1.) At the time and place fixed by the notice mentioned in section 8, the Registering Officer shall, in every case where a person objected to is present, proceed to inquire into and decide upon every such objection made to him on the said day by the objectors personally or by their duly authorized agents; and on such occasion he shall give every person objected to an opportunity of being heard in answer to such objection; and may upon the application of any person objected to and present as aforesaid postpone the inquiry to a subsequent day if, in his opinion, good cause is shown for such postponement: Provided always that if any such application for postponement be allowed, the Registering Officer shall thereupon give notice to the objector or to his duly authorized agent, and to the person objected to, of the date and place (which shall be within his registration division) on and at which the inquiry into the objection will be held or resumed.

(2.) In every case where the person objected to is not present at the time and place fixed by the notice mentioned in section 8, the Registering Officer shall fix a date and place (which shall be within his registration division) on and at which he shall inquire into and decide upon the objection, and shall give due notice of such place to the objector or to his duly authorized agent; and he shall further give to the person the subject of the objection due notice that an objection has been lodged, and of the time and place for the inquiry into such objection.

*Registering Officer's Duty after Claim received.*

10. With regard to any claim lodged with the Registering Officer as aforesaid, either by transmission through the post or in any other manner, if the Registering Officer is satisfied that such claim has been duly signed, filled in, and witnessed, he shall add the name of the claimant to his provisional list, provided he has not allowed, in manner aforesaid, any objection lodged with him against such claim; and provided he is satisfied after due inquiry that the claim is *bonâ fide*, and that the claimant possesses the qualification required by law. If not so signed, filled in, and witnessed, or if he has allowed an objection lodged against such claim, or if he is not satisfied that the claim is *bonâ fide*, and that the claimant possesses the said qualification, he shall disallow such claim.

*Printed Forms of Claims and Objections to be distributed.*

11. The Colonial Secretary shall, a sufficient time before the preparation of the provisional lists as aforesaid, cause to be supplied to the Registering Officer of every registration division an adequate number of printed forms of claim and objection, as set forth in Annexure (C) hereto; and it shall be the duty of every Registering Officer to supply a reasonable number of such forms to any white resident of the registration division who applies for them.



*Duties of Registering Officers after Claims and Objections dealt with.*

12. As soon as the Registering Officer shall have dealt with, and decided upon, the claims and objections as aforesaid, and shall or shall not have added names to, or expunged names from, the provisional list in accordance with such dealing or decision he shall—

- (a.) Frame a complete alphabetical list of persons who shall in his judgment be entitled to be registered as voters within his registration division. The list shall be in the form prescribed in Annexure (F) hereto;
- (b.) Frame an alphabetical list of persons whose names have been removed from the provisional list by reason of the allowance of objections lodged against them, and of persons whose claims to have their names inserted in the list of voters have been lodged or handed in but have been disallowed. This list shall be in the form prescribed in Annexure (G) hereto;
- (c.) Transmit to the Revising Officer hereinafter referred to the said two last-mentioned lists, and also transmit to him all the original claims and objections lodged with or handed in to him, whether such claims and objections have been allowed by him or not.

*Copies of Lists posted up.*

13. When transmitting the said lists and the said claims and objections to the Revising Officer, the Registering Officer shall cause copies of the said lists to be posted and affixed to the door of or in some conspicuous place near to his office or dwelling house, or in some other public place or places within the registration division, there to remain for general information between the hours of seven in the morning and five in the afternoon daily during not less than fourteen days. Subjoined or affixed to every such list so framed, posted, or affixed a notice shall be written signed by the Registering Officer, which notice shall be both in the English and Dutch languages and shall be in substance in the form prescribed in Annexure (H) hereto.

*Revising Officer.*

14. The Revising Officer for a registration division shall be such person as the Governor may by Proclamation in the Gazette appoint.

*Duty of Revising Officer on Receipt of Lists.*

15. On receipt of the two lists and of the original claims and objections, the Revising Officer shall, by notice in the Gazette and in some newspaper circulating in the registration division, appoint a day on which he will attend at a stated place in such division, convenient to the voters, for the purpose of revising, amending, and settling the list of voters in such registration division; the day so appointed shall be not less than fourteen days from the date of the first publication of such notice in the Gazette.

Such notice shall be published as often as the Revising Officer may deem to be necessary, and it shall in substance correspond with the form set forth in Annexure (H) hereto, save that the place and date fixed for the attendance of the Revising Officer for revising the lists shall be expressly inserted. The Revising Officer shall post copies of the said lists and of the said notice in some conspicuous position at or near the door of the Court-house of the Resident Magistrate of the district in which such registration division is situated, and at such other places therein as he may deem best for purposes of general information.

*Notice to Persons whose Names have been disallowed by Registering Officers.*

16. The Revising Officer shall also forthwith give notice by letter posted through the Post Office, or delivered in such other manner as he may determine, to all persons whose claims have been disallowed by the Registering Officer or whose names have been removed from the provisional list by reason of the allowance of objections made to them, and also to all persons who have objected in writing to the right of any person inserted in the said list to be so inserted, or to the right of any person claiming to have his name registered as a voter to be so registered, and the Revising Officer shall notify the fact and the grounds for such rejection or removal in the case of claimants and persons objected to, and in all cases shall notify the place and date fixed for the holding of the Court of Revision as hereinafter provided.

*Procedure on hearing Claims and Objections and settling Lists.*

17. Upon the day so notified as aforesaid the Revising Officer shall attend at the stated place and hold a Court for the revision of the voters' list for the registration division for which he is appointed; and it shall be lawful for any person whose claim has been disallowed by the Registering Officer, or whose name has been removed from the provisional list by reason of

the allowance of an objection made to it, and for every person who has objected in writing to the right of any person inserted in the said list to be so inserted, or to the right of any person claiming to have his name registered as a voter to be so registered, and for any person who shall be so objected to to appear before the Revising Officer, who shall hear him, and, if he thinks fit, take evidence on oath.

*Powers of Revising Officer for taking Evidence.*

18. The Revising Officer may, if he thinks fit, summon before him, and examine on oath, any person whom he shall, in the course of such inquiry, deem it necessary to examine, or may summon any person whom he has reasonable cause to believe is in possession of any document necessary for the purpose of such inquiry to produce such document, and may impose a fine not exceeding 10*l.* on any person duly summoned who shall, without lawful cause, refuse or neglect to attend, or to produce any such document aforesaid, or to answer any question material to such inquiry; and he shall determine all matters brought before him, and revise and amend the voters' list according to law. The Revising Officer may adjourn his sitting from time to time. The Revising Officer shall transmit any such fine as is paid to him to a Receiver of Revenue, and shall certify under his hand particulars of any such fines not so paid to the Resident Magistrate or Assistant Resident Magistrate of the district in which the Court of Revision is held, who shall thereupon recover such fines as if they were fines imposed in the Court of any such Magistrate.

*Person whose Name has been removed or Claim disallowed on Objection to it must prove his Qualification.*

19. Every person whose claim has been disallowed by the Registering Officer, or whose name has been removed from the provisional list by reason of the allowance of an objection made to it, shall be bound to prove his qualification to the satisfaction of the Revising Officer; and should he not appear either in person or by an agent specially authorized in writing, then the claim of such person shall be dismissed.

*When Objector, or Person objected to, does not appear.*

20. If a person who has lodged a written objection with the Registering Officer which has not been allowed shall not, either in person or by an agent specially authorized in writing, appear to make good his objection, then such objection shall, without requiring any appearance or proof on the part of the person objected to, be dismissed. If such objector shall appear, and if the person objected to shall not appear, in person, then, in case the objector or his agent (if he has appeared by agent) shall make oath that to the belief of the deponent such ground of objection does really exist, then the Revising Officer may, after forthwith inquiring into the grounds of such belief, either at once allow the objection or dismiss it, or make such further inquiry on a subsequent day as shall appear just, giving notice in every case of a further inquiry to the person objected to of the date and place when such inquiry shall be held.

*Costs.*

21. It shall be lawful for the Revising Officer, should it appear to him fitting so to do, to adjudge to any person objecting or objected to such reasonable costs against the adverse party as such Revising Officer shall tax and allow, and such costs shall be recoverable in the Court of the Resident Magistrate of the district in which the revision is held in like manner as costs in a civil action in such Court on production to such Court of Resident Magistrate of the taxed bill of costs certified under the hand of the Revising Officer.

*Further Duties and Powers of Revising Officers.*

22. The Revising Officer shall, in revising the voters' lists, in addition to the powers conferred on him by the preceding sections hereof, perform the duties and have the powers following:—

- (1.) He shall expunge the name of every person, whether objected to or not, whose qualification as stated in any list is, on the face of it, insufficient in law to entitle such person to be included therein unless, after reasonable inquiry, he shall be satisfied that such person does possess the necessary qualification, and that his qualification on the said list is wrongly described, in which case he shall rectify the qualification as described on the said list: provided that before expunging from a list the name of any such person the Revising Officer shall cause fourteen days' notice of the proposal to expunge the name and the reasons therefor to be given or left at the address of such person as given on the said list.
- (2.) He shall expunge the name of every person, whether objected to or not, who is proved to him to be dead or to be an alien: provided the notice required in sub-section (1) of this section be given to every such alien before his name is expunged.
- (3.) Before proceeding with an inquiry into the validity of any objection he may call upon the person objecting to furnish security for the payment of any costs that he may be adjudged to pay.



*Persons whose Names appear on more than one List of Voters.*

23. No person shall be registered as a voter for more than one registration division. Whenever it shall appear to the Colonial Secretary that any person is registered on the list of voters of more than one registration division he shall cause inquiry to be made, and shall determine in which registration division such person was *bonâ fide* residing at the date of the commencement of the registration of voters, and shall cause the name of such person to be expunged from the list of voters of every division in which it appears other than that of the division in which he was *bonâ fide* residing at the said date.

*Revising Officer may state Case for Opinion of a Judge in Chambers.*

24. If the nature of any claim or objection be such that the Revising Officer is doubtful regarding the decision proper to be given upon it, it shall be competent for him to draw up a statement of facts, and such statement shall be signed by such Revising Officer in attestation of its correctness, and be transmitted by him to the Registrar of the High Court to be laid before a Judge in Chambers. The Revising Officer shall in like manner state a case for the decision of a Judge in Chambers at the request of any of the parties in any claim or objection, and such case, when so stated, shall be signed by the party at whose request it is stated, as well as by the Revising Officer.

*Procedure in such Cases.*

25. The Judge before whom any such statement as aforesaid shall be laid may, should the same appear to him defective, call for further information from the Revising Officer who transmitted it, and shall give such a decision as to him shall appear right and proper; the decision of such Judge shall be final and conclusive, and not subject to any right of appeal or revision, and every register of voters affected by such decision shall be amended accordingly.

*Procedure by Revising Officer.*

26. The Revising Officer shall in all matters connected with the revision of the voters' list give his decision in open Court, and shall write his initials against every name struck out by him or added by him to any list and against every part of any list in which any material mistake has been corrected or material omission supplied, and shall sign his name to every page of the list so settled, and shall then write, or cause to be written, at the foot or end of each list a certificate that the same has been revised and is correct, and shall date and sign such certificate.

*Final Lists.*

27. The lists so settled, certified, dated, and signed as aforesaid shall be the complete final registers of voters and shall be forwarded by the Revising Officer to the Colonial Secretary, who shall cause to be made therefrom a complete register of voters for each registration division in the form prescribed in Annexure (I) hereto.

*Framing of Provisional List at subsequent Registration of Voters.*

28. It shall be the duty of the Registering Officer in framing the provisional list of voters at any registration of voters after the first registration made under this Schedule to insert therein—

- (1.) The names of all persons on the existing register of voters within each registration division, except the names of such persons who on the day upon which the registration of voters shall commence to the best of his knowledge and belief—

- (a.) Are dead;
- (b.) Do not reside in the said division;
- (c.) Do not possess the qualification required by law;
- (d.) Are subject to any disqualification.

- (2.) The names of all persons not on the existing register of voters who possess, to the satisfaction of the Registering Officer, the necessary qualifications to have their names inserted on the list of voters for such registration division.



*Power of Registering Officer to demand Information concerning Voters from Officials.*

29. In the performance of his duty every Registering Officer shall have the power and is hereby required to demand all necessary information from any Registrar of Births and Deaths, member of any police force, or any other public official, the Town Clerk of any Municipality, the Manager or Secretary of a Mining Company, or any other employer of labour, or any householder as defined in regulations made under this Schedule, so as to enable him to identify any person or to ascertain the residence of any person, or whether he is dead or whether he is qualified or disqualified to be registered as a voter, and any person who shall wilfully omit, or refuse, or unreasonably delay to give such information in his power as he is asked by any Registering Officer to give shall be liable on conviction to a fine not exceeding ten pounds, and, in default of payment, to imprisonment with or without hard labour for a period not exceeding one month.

*Penalties.*

30. If any Registering or Revising Officer, or any officer employed in connection with the registration of voters, shall be guilty of any wilful misfeasance or wilful negligence, either in commission or omission in contravention of the provisions of this Schedule, or any Regulations made or instructions given thereunder, he shall be liable upon conviction to a fine not exceeding fifty pounds, and, in default of payment, to imprisonment with or without hard labour for any period not exceeding six months.

*Offences by Officers employed in Registration of Voters.*

31. If, in the opinion of the Colonial Secretary, any Registering Officer or Revising Officer, or any other officer employed in connection with the registration of voters, has been guilty of any wilful act or default contrary to the provisions of this Schedule or any Regulations made or instructions given thereunder, the Colonial Secretary may, by writing under his hand, after calling upon any such officer to furnish any explanation he may think fit personally or in writing, and after considering such explanation, advise the Governor to declare forfeited under this section the whole or any portion of the remuneration payable to such officer for services performed under the provisions of this Schedule, and the Governor may thereupon declare the whole or part of such remuneration forfeited.

*Penalty for false Statements in Claims.*

32. Every person who knowingly makes any false statement of fact in any claim sent in by him to the Registering Officer to be registered as a voter shall be liable, on conviction, to a fine not exceeding one hundred pounds, and, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding twelve months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

*Offences relating to procuring Registration.*

33. Every person who shall by himself or any other person instigate, procure, or attempt to procure or take part in procuring the registration—

(i.) Of himself or any other person—

- (a.) As a voter in or for more than one registration division; or
- (b.) As a voter more than once in the same registration division; or
- (c.) Knowing that he or such other person has not the qualification required by law for such registration;

(ii.) Of a fictitious person;

shall be guilty of an offence and liable on conviction to the penalties hereinafter prescribed for the offence of personation.

*Voters' List not invalidated by reason of certain omissions.*

34. No voters' list shall be invalidated by reason that it shall not have been affixed in every place and for the full time hereinbefore required; but nothing herein contained shall be construed to exempt the Registering Officer or other person charged with the duty of publishing such list as aforesaid from the penalties prescribed for his neglect or wilful default.

*Written Authorizations not liable to Stamp Duty.*

35. Anything in the Stamps and Licenses Ordinance, 1903, or any amendment thereof notwithstanding, no stamp duties shall be charged upon any declaration made or any authorization in writing issued for the purposes of any provision of this Schedule relating to registration of voters or revision of voters' lists.

*Rectification of omissions.*

36. If, through any accident, anything required by law to be done in the preparation or transmission of any voters' list is omitted to be done, the Governor may order such steps to be taken as may be necessary to rectify any such omission, and he may from time to time alter any form hereto annexed in such manner as may be necessary for the better carrying out of the provisions of this Schedule, and may prescribe any other forms, and make, amend, and repeal all such regulations as may be necessary for the said purpose.

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PART II.

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*Elections of Members of Legislative Assembly.*

37. Part II of this Schedule shall apply to all elections of members of the Legislative Assembly constituted under these Letters Patent, and any election of a member of such Legislative Assembly shall take place in the manner hereinafter prescribed.

*Nomination of Candidates for the Legislative Assembly and Proceedings thereupon.*

38.—(1.) Upon a day named in a Proclamation by the Governor the person appointed in that behalf (hereinafter referred to as the Returning Officer) shall hold at a place stated in the said Proclamation a public Court for the nomination of persons proposed as members of the Legislative Assembly for the electoral division mentioned therein; and every such person shall be nominated by some registered voter for such division, and such nomination shall be seconded by some other such voter.

(2.) In case it shall happen that only one person is nominated as aforesaid, then the person so nominated shall forthwith be declared to be duly elected; but in case the number of persons so nominated is more than one, the Returning Officer shall fix a date upon which a poll shall be taken for the election of a member of the said electoral division, not being less than five clear days from the day of nomination (subject to the provisions hereinafter contained in this section), and the poll shall take place accordingly, and shall commence at eight o'clock in the morning and close at eight o'clock in the evening. The Returning Officer shall forthwith give public notice of such date in some newspaper circulating within the electoral division, and at such conspicuous places in such division as he may deem necessary for giving information of such polling.

(3.) Before fixing a day on which a poll shall be taken under the last preceding sub-section, the Returning Officer shall require of every person nominated as aforesaid a deposit of 50*l.*, or such security for the said sum as the Returning Officer may deem sufficient, and out of such sum there shall be paid a *pro rata* share of the expenses mentioned in section 41 hereof. In no case shall such *pro rata* share exceed the amount of such deposit or security as aforesaid.

In case any person so required shall not forthwith deposit such sum or give security as aforesaid, he shall be deemed and taken not to be nominated as a candidate for an election.

(4.) At any general election of members of the Legislative Assembly the date of the nomination of persons proposed as members thereof shall be the same in each electoral division of the Colony, and all polls shall, so far as practicable, be taken on the same day in all electoral divisions.

*Division of Electoral Divisions into Polling Districts.*

39.—(1.) The Governor may by Proclamation in the Gazette divide any electoral division into so many polling districts as he may deem necessary for more conveniently carrying out the provisions of this Part of this Schedule, and may in like manner from time to time and for like purposes increase or decrease the number of such districts, or alter or adjust the boundaries thereof.

(2.) Whenever any electoral division has been divided into polling districts, or any increase, decrease, alteration, or adjustment of such districts has been made under the powers of this section, the Colonial Secretary shall take all steps that may be necessary for the purpose of compiling from the register of voters of the electoral division a register of voters for each polling district, consisting of the voters of the electoral division resident in such polling district.

*Polling Stations.*

40. For the purposes of the poll to be taken as aforesaid, there shall be one polling station at a convenient place to be determined by the Governor within each electoral division, or, if an electoral division is divided into polling districts, then within each such polling district. Notice shall be given to the Returning Officer not later than the day of nomination of the place where every polling station shall be, and such notice shall be published in some newspaper circulating in the electoral division, and in such other manner as the Governor may prescribe. The determination of the Governor as to the place of polling stations shall be notified by the Colonial Secretary in the Gazette.



*Election Arrangements.*

41. For all elections the Returning Officer shall provide such compartments, desks, ballot-boxes, papers, stamping instruments, copies of register of voters, and other things, appoint Presiding Officers and Polling Officers, and do such other acts and things and make such arrangements to facilitate the taking of the poll as he may deem advisable for effectually conducting the election. Everything done by the Returning Officer under this section shall be in the first instance paid by the Colonial Treasurer, who shall recover from each candidate for election his *pro rata* share of any such expenses as hereinbefore provided, exclusive of the initial expenditure incurred in providing such compartments, desks, ballot-boxes, and stamping instruments aforesaid.

*Presiding Officer at Polling Station.*

42. The Presiding Officer and other officers at the polling station shall keep order thereat, shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the Returning Officer, the clerks, the agents of the candidates, and the constables on duty.

*Retirement of Candidates from Contest.*

43. If after a poll has been appointed at any election any candidate nominated for election shall be desirous of retiring from the candidature, he may, not later than three days before the day of polling, sign and deliver a notice of his retirement to the Returning Officer, who on receipt thereof shall, if the number of candidates is by such retirement reduced to one, declare the remaining candidate to be on that day duly elected: and if the said number is not so reduced, shall omit the name of the person so retiring from the list of candidates, and such person shall not be capable of being elected at such election.

*Candidate's Agents.*

44. Every candidate may, if he think fit, appoint by writing, under his hand, a person to represent him at the polling station to see that the votes are fairly taken, and may also appoint, in writing, an agent to represent him at the counting of the votes by the Returning Officer.

*Place where Vote is to be Recorded.*

45. No person whose name is not inserted in the register of voters for an electoral division shall be permitted to vote in such division for any member of the Legislative Assembly, nor shall any person be permitted to record his vote elsewhere than at the polling station of such division, or if such division is divided into polling districts, elsewhere than at the polling station of such polling district for which he is registered as a voter save as is in this section provided; provided always that such register for the time being shall for all purposes be deemed and taken to be conclusive proof of the right to vote in such electoral division or polling district of every person whose name is inserted therein; provided, further, that if an electoral division is divided into polling districts such person shall be permitted to vote at a polling station in the electoral division for which he is registered other than the polling station of the polling district for which he is registered, if before voting he shall sign a declaration in a form to be prescribed by the Governor and notified by the Colonial Secretary in the Gazette. All such declarations may be taken by the Presiding Officer of the polling station at which such person desires to vote, and shall be kept by him and forwarded to the Returning Officer, and shall be open to inspection by the public at all reasonable times. No stamp duty shall be payable on any such declaration.

*Enquiries as to right to Vote.*

46. No enquiry shall be made at any election as to the right of any person to vote, except that the Presiding Officer may himself, at the request of the agent of any candidate, put to any voter the following questions, or any of them, and no other:—

- (1.) Are you the person whose name appears as *A. B.* on the register of voters in this division?
- (2.) Have you already voted at this election in this or any other electoral division?

And no person who shall refuse to answer any such question, or who shall not answer the first of such questions in the affirmative and the second of such questions absolutely in the negative shall be permitted to vote.



*Penalty for false Answers.*

47. Any person who shall wilfully make a false answer to any of the questions in the last preceding section shall be liable, on conviction, to a fine not exceeding fifty pounds, and, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding three months.

*One Vote to be given by each Voter.*

48. Every voter shall be entitled to give at any election only one vote.

*Manner of Voting.*

49. The voting at all elections held under this Schedule shall be by ballot, which shall be conducted in substance and as nearly as possible in the manner hereinafter prescribed :—

- (i.) The Presiding Officer at the polling station shall, save as in section 45 is provided, ascertain that the person coming to vote is a person enrolled upon the register of voters for the division or polling district in which the poll is being held, and having ascertained that such person is so enrolled, and his number on such register, shall enter his number upon the counterfoil in the ballot-paper book, and shall then tear out the ballot paper corresponding to such counterfoil, and having stamped the same with a perforated stamp provided for that purpose, shall hand it to the voter. And every ballot paper shall be in the form set forth in Annexure (J), or as may be from time to time prescribed by the Governor and notified by the Colonial Secretary in the Gazette.
- (ii.) When the voter has received such ballot paper, on which shall be printed in alphabetical order the names of all the duly nominated candidates at such election, he shall take the same to the compartment and desk provided for that purpose, and shall signify the candidate for whom he desires to vote by secretly placing a cross opposite the name of such candidate. He shall then fold the ballot paper so that the perforated mark may be visible, and having held up the ballot paper so that the Presiding Officer can recognize the perforated mark, shall drop the ballot paper in the ballot box placed in front of the Presiding Officer.
- (iii.) Should the voter either sign his name on the ballot paper or make any mark or write any word by which his ballot paper would become recognizable, then such voting paper shall be considered blank and not taken into account.

*Spoiled Ballot Papers.*

50. If a voter inadvertently spoils a ballot paper he may return it to the Presiding Officer, who shall, if satisfied of such inadvertence, give him another paper and retain the spoiled paper, and the spoiled paper shall be immediately cancelled, and the fact of such cancellation shall be noted upon the counterfoil.

*Voters Incapacitated by Blindness or other Physical Cause.*

51. The presiding officer, on the application of any voter who is unable to read, or who is incapacitated by blindness or other physical cause, from voting in manner prescribed by this Schedule shall, before such agents of the candidates as may be present, cause the vote of such voter to be marked on a ballot paper in manner directed by such voter, and the ballot paper to be placed in the ballot-box, and the name and number on the register of voters of every person whose vote is marked in pursuance of this section; and the reason why it is so marked shall be entered on a list hereinafter called the "List of votes marked by the Presiding Officer."

*Tendered Ballot Papers.*

52. If a person representing himself to be a particular voter applies for a ballot paper after another person has voted in his name, the applicant shall, upon duly answering the questions permitted by this Schedule, to be asked of voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper (hereinafter called a "Tendered ballot paper") shall not be put in the ballot-box, but shall be given to the Presiding Officer, and endorsed by him with the name of the voter and his number on the register of voters and set aside in a separate packet, and shall not be counted by the Returning Officer; and the name of the voter and his number on the register aforesaid shall be entered in a list hereinafter called the "Tendered votes list."

*Sealing up of Ballot Boxes, &c.*

53. Every Presiding Officer, as soon as practicable after the close of the poll, shall, before such of the agents aforesaid as may be present make up into separate packets, sealed with his own seal and the seals of such agents aforesaid as desire to affix their seals—

- (1.) Each ballot-box entrusted to him unopened, but with the key attached ;
- (2.) The unused and spoiled papers placed together ;
- (3.) The tendered ballot papers ;
- (4.) The marked copies of the register of voters and the counterfoils of the ballot papers ;
- (5.) The “ Tendered votes list ” and the “ List of votes marked by the Presiding Officer,” and a statement of the number of voters whose votes are so marked by the Presiding Officer under the head “ physical incapacity ” ;

and shall deliver such packets to the Returning Officer.

The packets shall be accompanied by a statement made by each Presiding Officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot-box, unused, spoiled, and tendered ballot papers.

*Declaration of Poll.*

54. Upon receipt of the aforesaid packets from such Presiding Officer by the Returning Officer, the latter shall take charge of the same and shall, in the presence of such agents aforesaid as may be in attendance, open the ballot-boxes and ascertain the result of the poll by counting the votes given to each candidate, and shall forthwith declare the candidate who has the greater or greatest number of votes to be duly elected a member of the Legislative Assembly for the electoral division in which the poll was held. In the event of the number of votes being found to be equal the Returning Officer shall by lot immediately determine the election. The decision of the Returning Officer shall be final, subject to reversal on petition to or action in the High Court praying that the election be set aside.

*What Ballot Papers shall be Rejected.*

55. The Returning Officer shall reject and not count any ballot papers which—

- (1.) Do not bear the official mark ;
- (2.) Give votes to more than one candidate ;
- (3.) Bear any writing or mark by which a voter can be identified otherwise than is in this Schedule prescribed ;
- (4.) Are unmarked or void for uncertainty.

*Marking of Rejected Ballot Papers.*

56. The Returning Officer shall endorse “ rejected ” on any ballot-paper which he may reject as invalid, and shall add to the endorsement “ rejection objected to ” if an objection be in fact made by or on behalf of any candidate to his decision.

*Sealing up of Papers by Returning Officer.*

57. The Returning Officer shall, immediately after the declaration of the poll, enclose in separate packets the counted and rejected ballot-papers. He shall not open any sealed packet of tendered ballot-papers or marked copy of the list of voters and counterfoils, but shall proceed before the candidates, or such agents aforesaid as are present, to re-seal after examination each of the sealed packets received by him from the Presiding Officers. All the packets aforesaid, together with a certificate stating the name of the member declared to be elected, shall be enclosed together in one sealed packet and delivered to the Colonial Secretary, who shall safely keep such sealed packet for six months, after the expiration whereof the said packet and all papers contained therein may be destroyed.

*Sealed Papers to Remain Unopened.*

58. No such sealed packet as aforesaid shall be opened during the said period of six months except by order of the High Court or any Judge thereof ; and if any person shall, contrary to the provisions hereof, wilfully break the seal or open any such packet, he shall, upon conviction be liable to a fine not exceeding fifty pounds, and, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding three months.

*Immaterial Mistakes not to affect Validity of Election.*

59. No election shall be declared invalid by reason of any mistake or non-compliance with the terms of this Schedule if it appears to the Court having cognizance of the matter that the election was conducted in accordance with the principles laid down in this Schedule, and that such mistake or non-compliance did not affect the result of the election.

*Returning Officer to Transmit Names of Persons Elected to Colonial Secretary.*

60. As soon as the Returning Officer shall have declared a candidate to be duly elected a member of the Legislative Assembly for an electoral division, he shall, without delay, transmit to the Colonial Secretary the name of the person declared duly elected, and the number of votes received by the respective candidates.

*Names of Members to be Published.*

61. As soon as the Colonial Secretary shall have received from the several Returning Officers throughout the Colony the names of the persons declared duly elected for the several electoral divisions as members of the Legislative Assembly, he shall cause to be published, by notice in the Gazette, the names of the members returned, together with the electoral divisions which they severally represent.

*Vacancies, how Filled.*

62. When and as often as a vacancy shall, by death, resignation, or other cause, occur in the representation in the Legislative Assembly of any electoral division, the Governor shall, as soon as he is duly informed of such vacancy and the cause or causes thereof, by Proclamation in the Gazette, order in like manner, *mutatis mutandis*, as is hereinbefore enjoined in regard to other elections under this Schedule, a new election for supplying such vacancy: and the like proceedings shall, *mutatis mutandis*, take place in regard to elections for supplying vacancies as are hereinbefore prescribed in regard to other elections under this Schedule.

*Procedure upon any General Election by Dissolution.*

63. Whenever, by reason of any dissolution of the Legislative Assembly, there shall be a general election of the members thereof, then the like Proclamation or Proclamations, *mutatis mutandis*, shall be issued by the Governor, and the like proceedings, *mutatis mutandis*, be had and taken in regard to any such election as are hereinbefore directed in regard to other elections under this Schedule.

*Provision in case same Person elected for more than one Electoral Division.*

64. In case the same person shall have been declared duly elected for more than one electoral division, such person shall be bound, upon being thereto required by the Governor, to decide which electoral division he will represent; and upon such decision the Governor shall, by Proclamation, command the Returning Officer of any other electoral division for which such person shall have been returned to proceed to the election of another person in the room and stead of the person so originally elected, and thereupon the like proceedings shall take place as are hereinbefore directed in regard to the original election; and if such person shall fail to make his decision as aforesaid when thereto required, then his election for every electoral division for which he shall have been elected shall be deemed to be null and void, and by Proclamation as aforesaid a new election for a member in place and instead of such person shall be commanded in regard to every such division.

*Electoral Expenditure.*

65. Electoral expense includes all moneys expended or expenses incurred by or on behalf or in the interests of any candidate at or in connection with any election.

66. No electoral expense shall be allowed except in respect of the following matters:—

- (1.) Purchasing electoral rolls;
- (2.) Printing, advertising, publishing, issuing and distributing addresses by the candidate, and notices of meeting;
- (3.) Stationery, messages, postages, and telegrams;
- (4.) One Committee room for each polling station;
- (5.) Public meetings and halls therefor;
- (6.) Scrutineers:



- (7.) One election agent for each candidate, or for any number of joint candidates ;
- (8.) One polling agent at each polling station and no more ;
- (9.) One clerk and one messenger for conducting business in each Committee-room ;
- (10.) The reasonable and actual personal expenses of the candidate.

67. The limit to the electoral expenses of each candidate allowed in respect of any election shall be two hundred pounds for one thousand names on the register of voters of the electoral division for which he is a candidate, and twenty-five pounds for each five hundred such names over and above such one thousand names.

68. All moneys provided by any person other than the candidate for any electoral expense, shall be paid directly to the candidate personally.

69.—(1.) Every payment made by an election agent, whether by himself or a sub-agent, in respect of any expenses incurred on account of, or in respect of, the conduct or management of an election, shall, except where less than forty shillings in all in any one account, be vouched for by a bill stating the particulars, and by a receipt.

(2.) Every claim against a candidate at an election or his election agent in respect of any expenses incurred on account of, or in respect of, the conduct or management of such election which is not sent in to the election agent within the time limited by this Schedule shall be barred and shall not be paid.

(3.) Except as by this Schedule permitted, the time limited for sending in claims shall be twenty-one days after the day on which the candidates returned are declared elected.

(4.) All expenses incurred by or on behalf of a candidate at an election which are incurred on account of, or in respect of, the conduct or management of such election shall be paid within the time limited by this Schedule, and not otherwise.

(5.) Except as by this Schedule permitted, the time limited for the payment of such expenses as aforesaid shall be forty-two days after the day on which the candidates returned are declared elected.

(6.) If the election agent, in the case of any claim sent in to him within the time limited, disputes it or refuses or fails to pay it within the said period of forty-two days, such claim shall be deemed to be a disputed claim.

(7.) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent Court ; and any sum paid by the candidate or his agent in pursuance of the judgment or order of such Court shall be deemed to be paid within the time limited, and to be an exception from the provisions of this Schedule requiring claims to be paid by the election agent : provided that for the purposes of this sub-section "competent Court" shall include the Court of a Resident Magistrate.

(8.) On cause shown to the satisfaction of the Court, such Court, on application by the claimant or by the candidate or his election agent, may by order give leave for the payment by a candidate or his election agent of a disputed claim or of a claim for any such expenses as aforesaid, although sent in after the time in this section mentioned for sending in claims, or although the same was sent in to the candidate and not to the election agent.

(9.) Any sum specified in the order of leave may be paid by the candidate or his election agent, and when paid in pursuance of such leave shall be deemed to be paid within the time limited.

70. Within thirty days after the result of any election has been declared every candidate at such election, and in the case of joint candidates such candidates jointly, shall sign before a Justice of the Peace and file with the Returning Officer at the election, all vouchers for and a true return of his electoral expenses, showing—

- (a.) All electoral expenses.
- (b.) All disputed and unpaid claims.
- (c.) All receipts for electoral expenses under section 69, in the form in Annexure (K) hereto annexed.

71. The Returning Officer at an election shall, as regards all returns and vouchers filed pursuant to this Schedule—

- (1.) Forthwith publish in the Gazette particulars of the total amount of the electoral expenses of the candidate, arranged under the headings of the paragraphs in section 66 ;
- (2.) Keep the returns and vouchers open for public inspection, without fee, at reasonable hours for three months after filing ;
- (3.) During the same period supply copies of or extracts from the return and vouchers, at sixpence per folio of seventy-two words.

72. If, on petition to the High Court against the return of a candidate, it shall be proved that the return required in section 70 has not been duly rendered, or if there shall be proved any electoral expense on any matter other than the matters allowed by section 66, or in excess of the rates allowed by section 67, the election shall be declared void unless the candidate shall satisfy the Court that such expense was neither directly nor indirectly incurred by him or on his behalf, or that he had neither directly nor indirectly sanctioned, countenanced, nor approved of the same in any way.

73. Notwithstanding anything contained in the last preceding section, if any candidate prove to the High Court that his failure to file a return or voucher as required by section 70 has arisen from illness or inadvertence or any reasonable cause of a like nature, and not from any want of good faith, or that any error, omission, or false statement in the return or voucher filed has similarly arisen, the Court may permit the filing of the return or vouchers, or of a new return or fresh vouchers, or the amendment of the return or vouchers filed, and may exonerate the candidate from all liability in the matter.

74.—(1.) On or before the day of nomination at an election, a person shall be named by or on behalf of each candidate as his agent for such election, in this Schedule referred to as the election agent.

(2.) A candidate may name himself as election agent, and thereupon shall, so far as circumstances admit, be subject to the provisions of this Schedule both as a candidate and an election agent, and any reference in this Schedule to an election agent shall be construed to refer likewise to the candidate acting in his capacity of election agent.

(3.) On or before the day of nomination, the full name and address of the election agent of each candidate shall be declared in writing by the candidate, or some other person on his behalf, to the Returning Officer, and the Returning Officer shall forthwith give public notice of the name and address of every election agent so declared, and if no such declaration in writing shall be so made on or before the day of nomination the candidate shall be deemed and taken to be his own election agent, and may make no other appointment of an election agent for the purposes of this Schedule.

(4.) One election agent only shall be appointed for each candidate or any number of joint candidates, but the appointment may be revoked, and, in the event of such revocation, the candidate shall be deemed and taken to be his own election agent, unless such revocation takes place on or before the day of nomination, or not less than three clear days before the day appointed for the taking of the poll, in which case the candidate may forthwith upon such revocation declare in writing to be delivered in no case less than three clear days before the day of polling to the Returning Officer that he appoints another election agent, whose name and address shall forthwith be notified by the Returning Officer by public notice.

(5.) The election agent of a candidate shall appoint every polling agent, scrutineer, clerk, and messenger employed for payment on behalf of the candidate at an election, and hire every Committee-room hired on behalf of such candidate.

#### *Corrupt and Illegal Practices.*

75. "Corrupt practice" means any of the following offences: treating, undue influence, bribery and personation, and aiding, abetting, counselling, and procuring the commission of any of such offences.

76.—(1.) Every person who corruptly by himself, or by any other person, either before, during, or after an election, directly or indirectly gives or provides or pays wholly or in part the expense of giving or providing any meat, drink, entertainment, lodging, or provision to or for any person for the purpose of corruptly influencing that person, or any other person, to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election; and

(2.) Every voter who corruptly accepts or takes any such meat, drink, entertainment, lodging, or provision: shall be deemed guilty of treating.

77.—(1.) Every person who directly or indirectly by himself or by any other person on his behalf makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts or threatens to inflict by himself, or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against, or does or threatens to do any detriment to any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election; and

(2.) Every person who, by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise by any voter, or thereby compels, induces, or prevails upon any voter either to give or to refrain from giving his vote at any election: shall be deemed guilty of undue influence.

78.—(1.) Every person who directly or indirectly himself or by his agent gives, lends, or agrees to give or lend, or offers, promises, or promises to procure, or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election;

(2.) Every person who directly or indirectly himself or by his agent gives, lends, or agrees to give or lend, or offers, promises, or promises to procure, or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, for acting or joining in any procession before or during any election:

(3.) Every person who directly or indirectly himself or by his agent gives or procures, or agrees to give or procure, or offers, promises, or promises to procure, or to endeavour to procure, any office, place, or employment, or any profit, advancement, or enrichment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce



such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election :

(4.) Every person who directly or indirectly himself or by his agent makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to procure, or endeavour to procure, the return of any person to serve as a member of the Legislative Assembly, or the vote of any voter at any election ;

(5.) Every person who upon or in consequence of any such gift, loan, offer, promises, procurement, or agreement, procures or engages, promises, or endeavours to procure, the return of any person to serve as a member of the Legislative Assembly, or the vote of any voter at any election ;

(6.) Every person who advances or pays, or causes to be paid, any money to, or to the use of, any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election : provided always that this provision shall not extend or be construed to any money paid, or agreed to be paid, for or on account of any lawful expenses *bonâ fide* incurred at or concerning any election ;

(7.) Every voter who before or during any election directly or indirectly himself or by his agent receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment for himself, or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election ;

(8.) Every person who after any election directly or indirectly himself or by his agent receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at any election ;

(9.) Every person who either directly or indirectly himself or by his agent corruptly conveys or transfers any property, or pays any money, to any person for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and every candidate or other person who either directly or indirectly pays any money on behalf of any voter for the purpose of inducing him to vote, or refrain from voting, and every person on whose behalf, and with whose privy, any such conveyance, transfer, or payment, as in this section is mentioned is made ; and

(10.) Every candidate who himself or by his agent convenes or holds any meeting of voters in any house licensed for the sale of liquors ; shall be deemed guilty of bribery.

79. Every person who at any election applies for a ballot-paper in the name of some other person, whether that name is the name of a person living or dead, or of a fictitious person, or who having voted once at any such election applies at the same election for a ballot-paper in his own name, shall be guilty of personation.

80. If upon the trial of an election petition the Court finds that any corrupt practice has been committed in reference to such election, by or with the knowledge and consent of any agent of a candidate at such election, the election of such candidate shall, if he has been elected, be null and void : and if such offence has been committed by or with the knowledge and consent of the candidate or his election agent, then, in addition to such election being declared null and void, such candidate shall not be capable for a period of five years of being appointed a member of the Legislative Council, or of being elected as a member of the Legislative Assembly, or as councillor for any municipality, or of holding any judicial appointment, or appointment as Justice of the Peace.

81.—(1.) A person who commits any corrupt practice other than personation, or aiding, abetting, counselling, or procuring the offence of personation, shall on conviction be liable to imprisonment with or without hard labour for a term not exceeding two years, or to a fine not exceeding five hundred pounds.

(2.) A person who commits the offence of personation, or of aiding, abetting, counselling, or procuring the commission of that offence, shall on conviction be liable to imprisonment with or without hard labour for a period not exceeding two years.

(3.) A person who is convicted of any corrupt practice shall, in addition to any punishment hereinbefore provided, be incapable during the period of five years from the date of his conviction of being enrolled as a voter or of being appointed a member of the Legislative Council, or of being elected as a member of the Legislative Assembly, or as councillor for any municipality, or of holding any judicial appointment or appointment as Justice of the Peace.

#### *Illegal Practices.*

82.—(1.) If any person votes or induces or procures any person to vote at any election knowing that he or such person is prohibited by law from voting, or is not qualified or has ceased to be qualified to vote at such election, he shall be guilty of an illegal practice.

(2.) Any person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate shall be guilty of an illegal practice.

(3.) Provided that a candidate shall not be liable nor shall his election be avoided for any illegal practice under this section committed by his agent, not being his election agent, without his knowledge or consent.

83. A person guilty of an illegal practice, whether under the last preceding section or under the provisions hereinafter contained, shall on summary conviction be liable to a fine not exceeding



seventy-five pounds, or to be imprisoned for any period not exceeding six months with or without hard labour, and shall in addition be incapable during a period of two years from the date of his conviction of being registered as a voter, or voting at any election held for the electorate in which the illegal practice has been committed.

84.—(1.) Subject to such exception as may be allowed in pursuance of this Schedule, no sum shall be paid and no expense shall be incurred by a candidate at an election, or his election agent or by any other person, whether before, during, or after an election, on account of or in respect of the conduct or management of such election in excess of any maximum amount in that behalf specified in this Schedule.

(2.) Subject to such exception as may have been allowed in pursuance of this Schedule, no claim in respect of any expenses incurred on account of or in respect of the conduct or management of an election shall be paid in contravention of the provisions of section 69 of this Schedule.

Any candidate or election agent, or any other person, who knowingly acts in contravention of this section, shall be guilty of an illegal practice; provided always that, anything to the contrary notwithstanding in section 86 of this Schedule, when on an election petition the Court finds that it has been proved by a candidate that any payment made by an election agent in contravention of this sub-section was made without the sanction or connivance of such candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Schedule by reason only of such payment being made in contravention of this sub-section.

85.—(1.) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment, or promise of payment, for any purpose or in any capacity whatever, except for any purposes or capacities mentioned in this Schedule, or except so far as payment is authorized by this Schedule.

(2.) Subject to such exception as may be allowed in pursuance of this Schedule, if any person is engaged or employed in contravention of this section, either before, during, or after an election, the person engaging or employing him shall be guilty of an illegal practice, and the person so engaged or employed shall also be guilty of an illegal practice, if he knew that he was engaged or employed contrary to law.

86. If upon the trial of an election petition the Court finds that any illegal practice is proved to have been committed in reference to such election, by or with the knowledge and consent of any candidate at such election or his election agent, the election of such candidate shall, if he has been elected, be null and void, and he shall not be capable of being appointed a member of the Legislative Council, or of being elected as a member of the Legislative Assembly, or as councillor for any municipality for a period of three years from the date of such finding or of holding any judicial appointment or the appointment of Justice of the Peace, and he shall further be subject to the same incapacities if he has been convicted by any competent Court of an illegal practice.

#### *Illegal Payment and Hiring.*

87. Every person who knowingly provides money for any payment which is contrary to the provisions of this Schedule, or for replacing any money expended in any such payment, except where the same is allowed in pursuance of this Schedule to be an exception, shall be guilty of illegal payment.

88. Every person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, and every person who withdraws in pursuance of such inducement or procurement, shall be guilty of illegal payment.

89. Every bill, placard, poster, pamphlet, or other printed matter having reference to an election shall bear upon the face thereof the name and address of the printer and publisher thereof; and every person who prints, publishes, or posts, or causes to be printed, published, or posted, any such printed matter as aforesaid which fails to bear upon the face thereof the name and address of the printer and publisher shall, if he is the candidate or the agent of the candidate, be guilty of an illegal practice, and if he is not the candidate or the agent of a candidate shall be guilty of illegal payment.

90. It shall not be lawful to use—

(a.) Any premises on which the sale by retail of any intoxicating liquor is authorized by a licence;

(b.) Any premises where any intoxicating liquor is sold or is supplied to members of a club, society, or association, or association other than a permanent political club;

or any part of any such premises as a Committee-room for the purpose of promoting or procuring the election of a candidate at an election.

Every person who—

Hires or uses any such premises or any part thereof for a Committee-room; or

Lets such premises or part knowing that it was intended to use the same as a Committee-room,

shall be guilty of illegal hiring.

Provided that nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices, or the holding of public meetings.

or of arbitrations, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

91. It shall not be lawful for any person to hire any conveyance for conveying voters to the poll, nor shall it be lawful for any person to let for hire a conveyance for such purposes; provided that this section shall not prevent any voter making use of his own conveyance or hiring a conveyance for the purpose of conveying himself or any of the members of his household to and from the polling station. Any person knowingly contravening the provisions of this section shall be guilty of an illegal hiring.

92. Without prejudice to the provisions hereinbefore contained as to the offence of bribery :—

- (1.) A person guilty of the offence of illegal payment or hiring shall on summary conviction be liable to a fine not exceeding fifty pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.
- (2.) A candidate or an agent of a candidate who is personally guilty of an offence of illegal payment or hiring shall be guilty of an illegal practice.

93. No action or suit shall be maintainable by any licensed publican or any owner or keeper of any shop, booth, tent, or other place of entertainment, against any candidate or any agent of any such candidate for any liquor, food, or refreshment of any kind, whether for man or beast, supplied upon the credit of any such candidate or agent during the progress of any election under this Schedule.

#### *Excuses and Exceptions for Corrupt or Illegal Practices or Illegal Payment and Hiring.*

94. When upon the trial of an election petition the Court finds that a candidate at such election has been guilty by his agents of the offence of treating and undue influence and illegal practice, or of any of such offences in reference to such election, and, further, that the candidate has proved—

- (a.) That no corrupt or illegal practice was committed at such election by the candidate himself, and the offences mentioned in the said finding were committed contrary to his orders and without his sanction or connivance;
- (b.) That such candidate took all reasonable means for preventing the commission of corrupt and illegal practices at such election;
- (c.) That the offences mentioned in the finding were of a trivial, unimportant, and limited character; and
- (d.) That in all other respects the election was free from any corrupt or illegal practice on the part of the candidate,

then the election of such candidate shall not, by reason of the offences mentioned in the report, be void, nor shall the candidate be subject to any incapacity under this Schedule.

95. When it appears to the Court that any act or omission of a candidate at any election, or of his agent or of any other person, which would, by reason of being a payment engagement or contract in contravention of this Schedule or of otherwise being in contravention of any of the provisions of this Schedule, be but for this section an illegal practice, payment or hiring, arose from inadvertence or from accidental miscalculation, or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the Court to be just that the candidate and the agent and other person, or any of them, should not be subject to any of the consequences under this Schedule of such act or omission, the Court may make an order allowing such act or omission to be an exception from the provisions of this Schedule which would otherwise make the same an illegal practice, payment, or hiring, and thereupon such candidate, agent, or person shall not be subject to any of the consequences under this Schedule of the said act or omission.

#### *Disqualification of Electors.*

96. Every person guilty of a corrupt or illegal practice, or of illegal payment or hiring at an election, is prohibited from voting at such election, and, if any such person votes, his vote shall be void.

97. Every person who, in consequence of conviction or of the report of the Court, has become incapable of voting at any election, is prohibited from voting thereat, and if any such person vote his vote shall be void.

#### *Limitation of Time for Prosecutions.*

98.—(1.) A proceeding against a person in respect of the offence of a corrupt or illegal practice, or any other offence against this part of this Schedule, shall be commenced within six months after the offence was committed, or, if it was committed in reference to an election with respect to which a petition is tried by the Court, shall be commenced within six months after the



offence was committed, or within three months after the report of the Court hearing an election petition is made, whichever period last expires, so that it be commenced within two years after the offence was committed.

(2.) For the purpose of this section the issue of a summons, warrant, writ, or other process shall, where the service or execution of the same on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, be deemed to be the commencement of a proceeding: but, save as aforesaid, the service or execution of the same on or against the alleged offender, and not the issue thereof, shall be deemed to be the commencement of the proceeding.

99. Any person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice; and any person charged with an illegal practice may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt practice, and a person charged with illegal payment, or hiring, may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice.

#### *Other Offences.*

100. Every person who shall be ordered by the presiding officer to leave the polling station under the provisions of section 42 and shall refuse to do so shall be guilty of an offence, and liable to a fine not exceeding ten pounds, or in default of payment to imprisonment, with or without hard labour, for a period not exceeding one month.

101. Every person who interrupts, obstructs, or disturbs the proceedings at an election shall be guilty of an offence and liable to the penalties in the last preceding section mentioned.

102.—(1.) Every Returning Officer who, after having accepted office as such, wilfully neglects or refuses to perform any of the duties which by the provisions of this Schedule he is required to perform shall for every such offence be liable to a penalty not exceeding two hundred pounds.

(2.) Every presiding officer, or other officer or person, who wilfully neglects or refuses to perform any of the duties which by the provisions of this Schedule he is required to perform shall for every such offence be liable to a penalty not exceeding fifty pounds.

103. Every presiding officer or other person who places, or is privy to placing, in a ballot-box a ballot-paper which has not been lawfully handed to and marked by a voter, or forges or counterfeits, or fraudulently defaces or destroys any ballot-paper, or the official mark thereon, shall be guilty of an offence, and shall be liable on conviction to be imprisoned for any period not exceeding two years with or without hard labour. Proof that a greater number of ballot-papers is found in a ballot-box, or is returned by a presiding officer as having been received at a polling place, than the number of voters who voted at such polling place shall be *prima facie* evidence that the presiding officer at such polling place was guilty of an offence against this section.

104. Every person shall be liable to a penalty not exceeding one hundred pounds, or to be imprisoned for any period not exceeding twelve months, with or without hard labour, who—

- (1.) Wilfully makes, delivers, or sends to any officer appointed to revise the roll of voters any claim which is false in any material particular; or
- (2.) Wilfully causes or procures, or is in any wise concerned in the making, delivering, or sending of any such claim.

105.—(1.) Every Returning Officer, presiding officer, polling clerk, scrutineer, or other person who knowingly and wilfully unfastens the fold upon a ballot-paper within which the number of a voter is written, unless he is by the lawful command of some competent Court or other Tribunal required so to do; and

(2.) Every Returning Officer, presiding officer, polling clerk, or scrutineer who attempts to ascertain or discover, or directly or indirectly aids in ascertaining or discovering, the person for whom any vote is given, except in the case of a person voting openly, or who having in the exercise of his office obtained knowledge of the person for whom any voter has voted, discloses such knowledge unless in answer to some question put in the course of proceedings before some competent Court or other Tribunal; and

(3.) Every Returning Officer, presiding officer, polling clerk, or scrutineer who places upon any ballot-paper any mark or writing not authorized by this Schedule;

shall be guilty of an offence, and on conviction thereof shall be liable to imprisonment for any period not exceeding twelve months with or without hard labour.

106. Except as authorized by this Schedule, every person who knowingly and wilfully breaks the seal of, or opens any such sealed parcel as is hereinbefore mentioned, unless he is by the lawful command of some competent Court or other Tribunal required so to do, or to produce some portion of the contents of such parcel, shall be deemed guilty of an offence, and on conviction shall be liable to imprisonment for any period not exceeding twelve months with or without hard labour.

107. No voter who within three months before or during any election shall have been retained, hired, or employed for all or any of the purposes of election for reward by or on behalf of any candidate at such election as agent, clerk, messenger, or in other like employment, shall be entitled to vote at such election, and if he shall so vote he shall be liable upon conviction to a penalty not exceeding fifty pounds, and, in default of payment, to imprisonment for any period not exceeding three months.



*Hearing of Election Petitions.*

108. A petition complaining of an undue election of a member of the Legislative Assembly for any electoral division by reason of want of qualification, disqualification, corrupt or illegal practice, irregularity, or otherwise, may be presented to the High Court by—

- (1.) An enrolled voter in such electoral division;
- (2.) Some person claiming to have had a right to be elected at such election; or
- (3.) Some person alleging himself to have been a candidate at such election.

Such petition is hereinafter referred to as an election petition.

109. With respect to the presentation of an election petition, the following provisions shall apply:—

- (1.) The petition shall be signed by the petitioner, or all the petitioners, if more than one.
- (2.) The petition shall be presented within forty days after the result of the election has been declared by the Returning Officer.
- (3.) Presentation of a petition shall be made by filing it with the Registrar of the High Court.
- (4.) At the time of the presentation of the petition, or within seven days afterwards, security for the payment of all cost, charges, and expenses that may become payable by the petitioner—
  - (a.) To any person summoned as a witness on his behalf; or
  - (b.) To the member whose election or qualification is complained of (who is hereinafter referred to as the respondent);
 shall be given by or on behalf of the petitioner.
- (5.) The security shall be to the amount of three hundred pounds; it shall be given either by recognizance to be entered into by any number of sureties not exceeding four, or by a deposit of money with the Registrar of the High Court, or partly in one way and partly in the other.

110. Notice in writing of the presentation of a petition and of the nature of the proposed security, accompanied with a copy of the petition, shall within ten days after the presentation of the petition be served by the petitioner on the respondent, either personally or by leaving the same at his usual or last known dwelling-house or place of business: and it shall be lawful for the respondent, where the security is given wholly or partially by recognizance, by notice in writing to be served upon the petitioner in manner aforesaid within twenty-one days from the date of the service on him of such notice, to object to such recognizance on the ground that the sureties or any of them are insufficient, or that a surety is dead, or that he cannot be found, or that a person named in the recognizance has not duly acknowledged the same.

111. Any objection made to security given shall be heard and decided by the High Court or by a Judge thereof. If any objection to the security is allowed, it shall be lawful for the petitioner, within a further time to be fixed by the Court or Judge not exceeding ten days, to remove such objection by a deposit of such sum of money as may be deemed proper by the said Court or Judge to make the security sufficient.

If on objection made the security is decided to be insufficient, and such objection is not removed in manner hereinbefore mentioned, no further proceedings shall be had on the petition; otherwise, on the expiration of the time limited for making objections, or on the sufficiency of the security being established after objection made, the petition shall be deemed to be at issue.

112. The Registrar of the High Court shall, as soon as may be, make out a list of petitions presented to the Court and which are at issue, placing them in the order in which they were presented, and shall keep at his office a copy of such list, hereinafter referred to as the election list, open to the inspection of any person making application for inspection thereof. Such petitions shall be tried in the order in which they stand in such list, unless the Court shall otherwise order.

*Trial of a Petition.*

113. With respect to the trial of election petitions the following provisions shall apply:—

- (1.) Every election petition shall be tried with open doors.
- (2.) The trial of election petitions may take place in any civil term upon any day prescribed by any rule or order of Court: provided that the Court to which it has been presented may, upon the application of any of the petitioners or respondents, fix any day in or out of term for such trial.
- (3.) Notice of the time and place at which an election petition will be tried shall be given by the Registrar of the High Court to the parties concerned not less than fourteen days before the day on which the trial is to be held.
- (4.) The Court may adjourn the trial from time to time and from place to place.
- (5.) Where on the trial of an election petition praying the Court to determine that some other person than the respondent is entitled to be declared duly elected in place of the respondent, it is proved that any person who voted for the respondent was bribed or

treated or subjected to undue influence by any one on behalf of the respondent, or that such person was guilty of personation or of an illegal practice, payment, or hiring every vote given for the respondent by such person, shall be deducted from the total number of votes given for the respondent at the election.

- (6.) At the conclusion of the trial of any election petition the Court shall determine whether the respondent was duly elected or whether any, and if so, what, person other than the respondent was or is entitled to be declared duly elected; if the Court shall determine that the respondent was duly elected, such election shall be and remain as valid as if no petition had been presented against the same. If the Court shall determine that the respondent was not duly elected, but that some other person was or is entitled to be declared duly elected, the respondent shall forthwith be deemed to have vacated his seat; and the Court shall forthwith certify such determination to the Governor, who shall thereupon, by Proclamation in the Gazette declare such other person duly elected. If the Court shall determine that the respondent was not duly elected, and that no other person was or is entitled to be declared duly elected, the seat of the respondent shall forthwith be deemed to be vacant, and the Court shall forthwith certify such determination to the Governor, who shall thereupon command that a new election shall take place for the purpose of filling up such vacancy, and like proceedings shall take place in regard to such new election as are provided in regard to elections under this Schedule.

114. On the trial of a petition complaining of an undue election or return, and claiming the seat for some person, the respondent may give evidence to prove that the election of such person was undue in the same manner as if he had presented a petition complaining of such election.

#### *Proceedings.*

115. An election petition under this Schedule shall be in such form and state such matters as may be prescribed.

116. Two or more joint candidates may be made respondents to the same petition, and such petition shall be filed as one petition and be tried at the same time, but for all the purposes of this Schedule such petition shall be deemed to be a separate petition against each respondent.

117. When more petitions than one are presented relating to the same election or return all such petitions shall in the list of petitions be bracketed together, and shall be dealt with as one petition, but such petition shall stand in the election list in the place where the last of such petitions would have stood if it had been the only petition presented, unless the Court or a Judge thereof shall otherwise direct.

#### *Witnesses.*

118. Witnesses shall be summoned and sworn in the same manner as in a trial before the High Court, and shall be subject to the same penalties for perjury.

119. On the trial of an election petition the Court may examine any witness or any person in Court, although such witness or person is not called or examined by any party to the petition. After the examination of a witness as aforesaid by the Court, such witness may be cross-examined by or on behalf of the petitioner and respondent or either of them.

120. No person who is called as a witness at the trial of any election petition shall be excused from answering any question relating to any corrupt or illegal practice at or connected with any election then forming the subject of inquiry, on the ground that the answer thereto may criminate or tend to criminate himself, provided that where any witness shall answer every question relating to any matters aforesaid which he shall be required by the Court to answer, and the answer to which may criminate or tend to criminate him, he shall be entitled to receive from the Court, under the hand of the Registrar, a certificate stating that such witness was upon his examination required by the said Court to answer questions or a question relating to the matters aforesaid, the answer or answers to which criminated or tended to criminate him, and had answered all such questions or question; and if any indictment or action be at any time thereafter pending in any Court against such witness for any offence under this Schedule, committed by him previous to the time of his giving his evidence, and at or in relation to the election concerning or in relation to which the witness may have been so examined, the Court shall, on production and proof of such certificate, stay the proceedings in such indictment or action: provided that no statement made by any person in answer to any question put to him by or before such Court, shall, except in cases of indictment for perjury, be admissible in evidence against him in any proceeding, civil or criminal.

121. The reasonable expenses incurred by any person appearing to give evidence at the trial of an election petition, according to the scale usually allowed to witnesses on the trial of civil actions in the superior Courts of Law in the Colony, may be allowed to such person, and such expenses shall be deemed to be costs of the petition.



*Withdrawal and Abatement of Election Petitions.*

122. An election petition shall not be withdrawn without the leave of the Court, and after such notice has been given as such Court may direct.

123. On the hearing of the application for withdrawal, any person who might have been a petitioner in respect of such election to which the petition relates may apply to the Court to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition.

124. The Court may, if it think fit, substitute as a petitioner any such applicant as aforesaid, and may further, if the proposed withdrawal is in the opinion of the Court induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in such security the original petitioner shall be liable to pay the costs of the substituted petitioner.

125. If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within fourteen days after the order of substitution.

126. Subject as aforesaid, a substituted petitioner shall stand in the same position, as nearly as may be, and be subject to the same liabilities as the original petitioner.

127. If a petition is withdrawn the petitioner shall be liable to pay the costs of the respondent.

128. When there are more petitioners than one no application to withdraw a petition shall be made without the consent of all the petitioners.

129. An election petition shall be abated by the death of the sole petitioner or petitioners, but such abatement shall not affect the liability of the petitioner or petitioners to the payment of costs previously incurred.

130. On the abatement of a petition any person who might have been a petitioner in respect of the election to which the petition relates may, within twenty-one days after such abatement, apply to the High Court or any Judge thereof to be substituted as a petitioner, and such Court or Judge may thereupon, if it or he thinks fit, substitute as a petitioner any such applicant who is desirous of being substituted, and on whose behalf security to the same amount is given as is required in the case of a new petition.

131. A respondent who has given notice that he does not intend to oppose the petition shall not be allowed to appear or to act as a party against such petition in any proceedings thereon, and shall not sit or vote in the Legislative Assembly pending the result of the trial of the petition, and the Court shall in all cases in which such notice has been given report the same to the Speaker.

*Costs.*

132. All costs, charges, and expenses of and incidental to the presentation of a petition, and to the proceedings consequent thereon, shall be defrayed by the parties to the petition in such manner, and in such proportions, as the Court before which the same is tried or to be tried may determine, regard being had to the disallowance of any costs, charges, or expenses which may in the opinion of the Court have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

133. The costs may be taxed and recovered in the same manner as the costs of an ordinary action at law in the superior Court of the Colony.

134. If any petitioner in an election petition shall neglect or refuse for the space of one month after demand to pay to any person summoned as a witness on his behalf or to the respondent any sum certified to be due to him for his costs, charges, or expenses, and if such neglect or refusal be proved to the satisfaction of the Court to which such petition was presented, every person who has entered into a recognizance relating to such petition shall be held to have made default in his said recognizance, and the Registrar of the said Court shall thereupon certify such recognizance to be forfeited, and execution may thereupon by leave of the said Court be sued out thereon at the suit of any such witness or respondent from time to time as occasion may require.

*Power to make Regulations and give Instructions.*

135. The Governor in Council may from time to time make, alter, or repeal Regulations, and give instruction not inconsistent with the provisions of this Schedule for the better carrying out of the objects and purposes thereof, and all such Regulations shall be notified in the Gazette by the Colonial Secretary.

## ANNEXURE (A) TO SCHEDULE II.

*Form of Notice under Section 2.*

Magisterial District of .....

Notice is hereby given to the inhabitants of the several registration divisions within the Magisterial District of ..... that the Registering Officers will now commence, in accordance with the provisions of section 2 of Schedule II annexed to the Orange River Colony Constitution Letters Patent, 1907, to make out in and for each registration division a Provisional List of all persons entitled to vote at elections of members for the Legislative Assembly.

In order to secure the most complete list possible, and to prevent danger of exclusion of qualified persons from the list, all persons claiming to be entitled to have their names placed on the said list are invited either to send in their claims to the respective Registering Officers, or to ascertain whether their names have been placed upon the Provisional List on or before the date fixed for the completion of such List.

The Registering Officers for the several registration divisions of this district are those named at the foot hereof.

Dated this ..... day of ....., 190...

(Signed) .....,  
Colonial Secretary.

## ANNEXURE (B) TO SCHEDULE II.

*Notices to be subjoined or annexed to Provisional List of Voters and posted under Section 5.**Notice of Claims and Objections.*

Registration division..... of the Magisterial District of .....

Notice is hereby given that if any person whose name is not inserted in the above List shall claim to have his name inserted therein, then any such claimant may, at any time before the ..... day of ..... 190..., lodge with the Registering Officer at ....., either by transmission through the post or in some other manner, his claim to be registered as a voter, which claim shall be in writing and in substance in the form annexed to this Notice, in order that such claim may be considered and dealt with as the law directs.

And if any person shall object to the right of any other person whose name is inserted in the above List to have his name so inserted, then every such objector may attend personally or by an agent authorized in writing at ..... on the ..... day of ..... 190..., and lodge his objection, which shall be in writing and in substance in the form annexed to this Notice, in order that such objection may be considered and dealt with as the law directs.

Blank Forms of Claim and of Objection may be obtained upon application to the Undersigned.

(Signed) .....  
Registering Officer.

Dated this ..... day of ....., 190...



## ANNEXURE (C) TO SCHEDULE II.

*Claim to be Registered as a Voter.*

Registration Division..... Magisterial District of.....

Name in full.	Claim to be a British Subject.	Age.	Period of Residence in the Orange River Colony.	Present Residence and Postal Address.	Profession, Trade, Occupation, or other description.

I, the undersigned, hereby declare that, to the best of my knowledge and belief, the particulars above given are correct.

Signature of Claimant.....

Postal address of Claimant. ....

Date.....

As witness :

Signature of Witness.....

Postal address of Witness.....

*Form of Objection to the Registration of a Voter.*

To the Registering Officer appointed to make out the List of Voters in the registration division  
....., in the Magisterial District of .....

Please take notice that I object to the name of.....being retained on the List of Voters in the above registration division, and that I shall support my objection at the time fixed by law for that purpose—the ground of my objection being [*here state the ground of objection*].

Dated the ..... day of....., 190...

(Signed) .....

of [*here state place of residence*].

As witness :

## ANNEXURE (D) TO SCHEDULE II.

Registration division ..... Magisterial District of .....

List of persons not included in the Provisional List of Voters already framed and posted who have lodged their claims to be placed upon the List of Voters in the above registration division for the election of members of the Legislative Assembly.

Dated this ..... day of ..... 190...

(Signed) .....

Registering Officer.

Name in full.	Age.	Residence and Postal Address.	Occupation, Trade, Profession, or other description.

ANNEXURE (E) TO SCHEDULE II.

Registration division..... Magisterial District of.....

*Notice to be annexed to the List of Claimants under Section 8.*

Notice is hereby given that if any person shall object to the right of any other person whose name appears in the above List of Claimants, or whose name is inserted in the Provisional List of Voters affixed by the Registering Officer, to have his name registered as a voter in the above registration division, then every such objector may attend personally, or by an agent authorized in writing, at ....., on the ..... day of ....., 190..., and lodge his objection, which shall be in writing and in substance in the form annexed hereto, in order that such objection may be considered and dealt with as the law directs.

Blank forms of objection may be obtained upon application to the undersigned.

Dated this ..... day of ....., 190...

(Signed) .....  
*Registering Officer.*

ANNEXURE (F) TO SCHEDULE II.

List of persons appearing to be qualified to vote at the election of members of the Legislative Assembly in registration division ..... of the Magisterial District of .....

Dated this .. ..... day of ....., 190...

(Signed) .....  
*Registering Officer.*

Name in full.	Residence and Postal Address.	Occupation, Trade, Profession, or other description.



## ANNEXURE (G) TO SCHEDULE II.

*List of Rejected Claims.*

Registration division ..... Magisterial District of .....

List of persons whose names have been removed from the Provisional List of Voters for the above registration division by reason of the allowance of objections lodged against them; and of persons whose claims to be placed upon the List of Voters have been lodged or handed in but not allowed.

..... day of ..... 190...

(Signed) .....

*Registering Officer.*

Name in full.	Occupation, Trade, Profession, or other description.	Residence and Postal Address.	Reason for allowing the Objection or disallowing the Claim.

## ANNEXURE (H) TO SCHEDULE II.

*Notice to be annexed to the Lists and posted up under Section 13.*

Notice is hereby given that the Revising Officer will attend at a place and on a day to be notified by publication in the Gazette, and in a newspaper circulating in the Magisterial District, for the purpose of finally revising, amending, and settling the Voters' Lists for the registration division of ..... in the Magisterial District of ..... All persons whose claims have been disallowed by the Registering Officer, or whose names have been removed from the Provisional List by reason of the allowance of objections made to them, and all persons who have objected in writing to the right of any person inserted in the said Provisional List to be so inserted, or to the right of any person claiming to have his name registered as a voter to be so registered, and all persons who have been so objected to may appear before the Revising Officer on the day and place aforesaid for the purpose of establishing their said claims or objections. All claimants and objectors must appear either personally or by an agent specially authorized in writing.

Dated this ..... day of ..... 190...

(Signed) .....

*Registering Officer.*

## ANNEXURE (I) TO SCHEDULE II.

Electoral roll of persons registered in the registration division of ..... as qualified to vote for the election of members of the Legislative Assembly.

Dated this ..... day of ..... 190...

(Signed) .....

Name in full.	Residence and Postal Address.	Occupation, Trade, Profession, or other description.

ANNEXURE (J) TO SCHEDULE II.

FORM OF FRONT OF BALLOT PAPER.

Counterfoil No.....

1	BROWN. (John Brown, of.....Street, *.....(merchant.)	
2	JONES. (Henry Jones, of.....Street, *.....(attorney).	
3	ROBINSON. (George Robinson, of.....Street, *.....(grocer).	
4	SMITH. (Frederick Smith, of.....Street, *.....(broker.)	

NOTE.—The Counterfoil is to have a number to correspond with that on the back of the ballot paper.

FORM OF BACK OF BALLOT PAPER.

No..... Election for member of Legislative Assembly for\*.....

NOTE.—The number on the back of the ballot paper is to correspond with that in the counterfoil.

\* Here insert name of electoral division.

ANNEXURE (K) TO SCHEDULE II.

Form of Return of Electoral Expenses.

I, A. B., candidate at the election of a member of the Legislative Assembly for..... on the ..... day of ..... make the following return respecting my electoral expenses at the election:—

RECEIPTS.

Received of J. K..... £ s. d.

[Here set out the name and description of every person, club, society, or association from whom any money was received in respect of expenses.]

EXPENDITURE.

Paid G. H., my election agent .....  
Paid to I. J., ..... clerk, for ..... days' services .....  
Paid to K. L., scrutineer, at.....

[The names and descriptions of the agent and every clerk and scrutineer and the sum paid to each must be set out separately.]

Paid to the following persons in respect of goods supplied or work and labour done .....

[The name and description and the nature of the goods supplied or the work and labour done by each must be set out separately.]



£ s. d.

Paid hire of rooms for holding public meetings .....  
 Paid hire of rooms for holding committee meetings .....  
 Paid for miscellaneous matters .....

[*The name and description of each person to whom any sum is paid and the reason for which it was paid to him must be set out separately.*]

In addition to the above, I am aware of the following disputed and unpaid claims, viz.:—

By T. U., for.....

[*Here set out the name and description of each person whose claim is disputed, the amount of the claim and the goods work or other matter on the ground of which the claim is based.*]

Except as appears from the above I have not, and to the best of my knowledge and belief no person has, made on my behalf any payment or given, promised, or offered, any reward, office, employment, or valuable consideration, or incurred any liability on account of, or in respect of, the conduct or management of said election.

I have paid the sum of ..... pounds altogether, and no more, for the purpose of the election, and, except as specified above, no money, security, or equivalent for money has, to my knowledge or belief, been paid, advanced, given, or deposited by any one to any other person for the purpose of defraying any expenses incurred on my behalf on account of, or in respect of the conduct or management of the said election.

(Signature of Candidate, C. D.)

Signed this..... day of... .. in the presence of

E. F., *Justice of the Peace.*

### SCHEDULE III.

#### *Regulations for the Redivision of the Colony for Electoral Purposes.*

(See Section XVIII.)

1. The total number of voters, as ascertained from the first list framed under the provisions of these Letters Patent divided by thirty-eight, shall be the quota of voters for the Colony.

2. If the total number of voters, as shown by the list of voters on which the redivision is to be made, exceeds the total number of voters, as ascertained from the first list framed under these Letters Patent, by an amount equal to or double the quota of voters for the Colony, the number of electoral divisions shall be increased over and above thirty-eight by one or two, as the case may be, provided that the number of electoral divisions shall in no case exceed forty, and shall not be less than the number existing at the date of such redivision.

3. In dividing the Colony into electoral divisions, the Commissioners shall ascertain the number of voters, as shown by the lists by which a redivision is to be made, in each of the two following areas:—

(a.) The total area of the Colony, exclusive of any towns existing therein at the date of the redivision ;

(b.) The total area of any towns existing therein at that date ;

and shall allot to each such area a number of members of the Legislative Assembly proportionate to the number of voters therein. The quotient obtained by dividing the number of voters in each such area by the number of members to which it is entitled is hereinafter referred to as the quota of voters for the area.

4. The Commissioners shall thereupon proceed to allot, in manner hereinafter prescribed, a number of members to each of the magisterial districts, named in the First Schedule hereto, and to each town entitled to individual representation, and also (in the case of towns not entitled to individual representation which shall be existing at the date of such redivision) to such group or groups of towns as the Commissioners shall think fit.

5. If the number of voters in any magisterial district or town is less than one-half of the quota of voters for the area as above defined, no member shall be returned by such district or town, but the district shall be included in an adjoining district or the town be grouped with

such other neighbouring town or towns as the Commissioners may determine for the purpose of allotting the number of members to be returned in accordance with the principles laid down in the following Regulations.

6. If the number of voters in any magisterial district or town is not less than one-half the quota of voters for the area, but less than one and a-half times such quota, one member of the Legislative Assembly shall be returned by such district or town.

7. If the number of voters in any district or town is not less than one and a-half times the quota of voters for the area it shall return two members, if not less than two and a-half times such quota, three members, if not less than three and a-half times such quota, four members, and so on in like manner and proportion: provided that the total number of members allotted to the several magisterial districts, towns, or groups of towns, situated within each area mentioned in Regulation 3 shall not be greater nor less than the number of members allotted to such total area as provided in that Regulation; and if such first-mentioned number of members be greater or less than the second-mentioned number of members, the Commissioners shall rectify such inequality by reducing or increasing, as the case may be, the number of members allotted to such of the several districts, towns, or groups of towns within such area as in the opinion of the Commissioners ought to be reduced or increased while giving the nearest possible effect to the principles laid down in the preceding Regulations.

8. The Commissioners shall divide each magisterial district and each town as above defined into as many electoral divisions as there are members allotted to such district or town respectively. No group of towns shall return more than one member.

In making such division the Commissioners shall follow the instructions mentioned in section 2 of the First Schedule hereto.

9. In this Schedule the expression "town" means any area comprised within the local limits—

- (1.) Of a municipality constituted under Ordinance 6 of 1904, entitled "The Municipal Corporations Ordinance, 1904," or any Act or Ordinance amending the same.
- (2.) Of a village or other community within the meaning of Ordinance 12 of 1904, known as the "Villages Management Ordinance, 1904," or any Act or Ordinance amending the same.
- (3.) Of any township established under the Law 6 of 1894 relating to the recognition of townships, or any Act or Ordinance amending the same.

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#### SCHEDULE IV.

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##### CHARGES on Consolidated Revenue Fund.

(See Section LIX.)

The Governor, £5,000.

The Judges of the High Court, £5,750.

Any sums payable out of the revenues of the Colony to the Intercolonial Council under the provisions of the Order in Council dated the 20th day of May, 1903, and entitled "The Intercolonial Council South Africa Order in Council, 1903," and under the provisions of any Order or Orders in Council from time to time amending or substituted for the same until such time as the said Council shall cease to exist.

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#### SCHEDULE V.

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##### PENSIONS to retired officers.

(See Sections LIX and LXI.)

Henry Francis Wilson, Esq., C.M.G., Colonial Secretary, £335.

Albert Browne, Esq., I.S.O., Colonial Treasurer, £786 2s. 6d.

Herbert Francis Blaine, Esq., K.C., Attorney-General, £583 6s. 8d.

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#### SCHEDULE VI.

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(See Section LXV.)

Nature of Instrument.	Date.
Letters Patent .. .. .	August 2, 1901.
Royal Instructions to Governor ..	August 2, 1901

## No. 2.

*Letters Patent dated 5th June, 1907.*      LETTERS PATENT PASSED UNDER THE GREAT SEAL OF THE UNITED KINGDOM, CONSTITUTING THE OFFICE OF GOVERNOR AND COMMANDER-IN-CHIEF OF THE ORANGE RIVER COLONY.

Edward the Seventh, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To all to whom these Presents shall come, Greeting.

*Recites Letters Patent of the 2nd August, 1901.*      WHEREAS by Our Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the 2nd day of August, 1901, We did constitute the Office of Governor and Commander-in-Chief of Our Orange River Colony, and did provide for the Government of Our said Colony:

And whereas We are minded to make further provision for the Government of Our said Colony:

Now know ye that We do declare Our Will and Pleasure to be as follows:—

*Appointment of Governor.*      I. There shall be a Governor and Commander-in-Chief in and over Our Orange River Colony, and appointments to the said Office shall be made by Commission under Our Sign Manual and Signet.

*Limits of Colony.*      II. Our Orange River Colony (hereinafter called the Colony) shall comprise all places, settlements, and territories which formed part of the territories of the Orange Free State at the date when the said territories were annexed to and became part of Our dominions.

*Governor's powers and authorities.*      III. We do hereby authorize, empower, and command Our said Governor and Commander-in-Chief (hereinafter called the Governor), to do and execute all things that belong to the said Office of Governor according to the tenour of these and any other Our Letters Patent, having effect within the Colony, and of such Commission as may be issued to him under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to him under Our Sign Manual and Signet or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and to such laws as are now or shall hereafter be in force in the Colony.

*Publication of Governor's Commission.*      IV. Every person appointed to fill the Office of Governor shall, with all due solemnity, before entering on any of the duties of his Office, cause the Commission appointing him to be Governor to be read and published in the presence of the Chief Justice of the Colony or of some other Judge of the High Court, and such of the members of the Executive Council of the Colony who can conveniently attend, which being done, he shall then and there take before them the Oath of Allegiance in the form provided by an Act passed in the Session holden in the Thirty first and Thirty-second years of the Reign of Her late Majesty, Queen Victoria, intituled "An Act to amend the Law relating to Promissory Oaths"; and likewise the usual Oath for the due execution of his Office, and for the due and impartial administration of justice, which oaths the said Chief Justice or Judge is hereby required to administer.

*Oaths to be taken by Governor.*      V. The Governor shall keep and use the Public Seal of the Colony for sealing all things whatsoever that shall pass the said Seal.

*Imperial Act, 31 & 32 Vict., c. 72.*      VI. There shall be an Executive Council in and for the Colony, and the said Council shall consist of such persons being Ministers or other persons as the Governor shall, from time to time in Our name and on Our behalf, but subject to any law of the Colony, appoint under the Public Seal of the Colony to be members thereof. Subject to any such law the members of the Executive Council shall hold office during Our pleasure: Provided that the members of the Executive Council existing at the commencement of these Our Letters Patent may if the Governor thinks fit continue to hold office until the appointment of Ministers.

*Public Seal.*

*Executive Council.*



VII. The Governor may, in Our name and on Our behalf, make and execute, under the Public Seal, grants and dispositions of any lands within the Colony which may be lawfully granted or disposed of by Us. Grant of lands.

VIII. The Governor may constitute and appoint in Our name and on Our behalf all such Officers in the Colony as may be lawfully constituted or appointed by Us. Appointment of Officers.

IX. The Governor may, so far as We Ourselves lawfully may, upon sufficient cause to him appearing, remove from his office, or suspend from the exercise of the same, any person holding any office or place within the Colony under or by virtue of any Commission or Warrant or other Instrument granted, or which may be granted, by Us or in Our name or under Our authority, or by any other mode of appointment. Suspension or removal from office.

X. When any crime or offence has been committed within the Colony, or for which the offender may be tried therein, the Governor may, as he shall see occasion, in Our name and on Our behalf, grant a pardon to any accomplice in such crime or offence who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders, if more than one; and further, may grant to any offender convicted of any such crime or offence in any Court, or before any Judge or Magistrate, within the Colony, a pardon, either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as he may think fit, and may remit any fines, penalties, or forfeitures due or accrued to Us: Provided always, that if the offender be a natural-born British subject, or a British subject by naturalization in any part of Our Dominions, the Governor shall in no case, except where the offence has been of a political nature unaccompanied by any other grave crime, make it a condition of any pardon or remission of sentence that the offender shall be banished from or shall absent himself or be removed from the Colony. Grant of pardon.

XI. In the event of the death, incapacity, removal, or absence from South Africa of the Governor, or of his being from any cause prevented from acting in the duties of his office, all and every the powers and authorities granted to him shall, until Our further pleasure is signified therein, be vested in such person as We may appoint under Our Sign Manual and Signet, and such person shall have and exercise all such powers and authorities until Our further pleasure shall be signified: Provided that no such powers or authorities shall vest in such person until he shall have taken the oaths hereinbefore directed to be taken by the Governor of the Colony, and in the manner herein prescribed. Remission of fines.  
Proviso. Banishment.  
Exception.  
Political offences.

XII. Whenever and so often as the Governor shall be temporarily absent from the Colony in pursuance of any Instructions from Us through one of Our Principal Secretaries of State, or in the execution of any Letters Patent or any Commission under Our Sign Manual and Signet appointing him to be Our High Commissioner or Special Commissioner for any territories in South Africa with which it may be expedient that We should have relations, or appointing him to be Governor or to administer the Government of any Colony, province, or territory adjacent or near to the Colony, or shall be absent from the Colony for the purpose of visiting Our High Commissioner for South Africa or the Governor or Officer Administering the Government of Our Colony of the Cape of Good Hope, or some other neighbouring Colony or State, for a period not exceeding one month, then and in every such case the Governor may continue to exercise all and every the powers vested in him as fully as if he were residing within the Colony. Succession to the Government in the event of the death, &c., or absence of the Governor from South Africa.

XIII. In the event of the Governor having occasion to be temporarily absent for a short period from the seat of Government or from the Colony, he may, in every such case, by an Instrument under the Public Seal of the Colony, constitute and appoint any person to be his Deputy within the Colony, or any part thereof, during such temporary absence, and in that capacity to exercise, perform, and execute for and on behalf of the Governor during such absence, but no longer, all such powers and authorities vested in the Governor, as shall in and by such Instrument be specified and limited, but no others. Every such Deputy shall conform to and observe all such Instructions as the Governor shall from time to Temporary absence of the Governor.

time address to him for his guidance: Provided, nevertheless, that by the appointment of a Deputy, as aforesaid, the power and authority of the Governor shall not be abridged, altered, or in any way affected, otherwise than We may at any time hereafter think proper to direct:

Provided further that, if any such Deputy shall have been duly appointed, it shall not be necessary during the continuance in office of such Deputy for any person to assume the Government of the Colony as Administrator thereof.

Officers and others  
to obey the Gov-  
ernor.

XIV. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the inhabitants of the Colony, to be obedient, aiding and assisting unto the Governor, or to such person or persons as may from time to time, under the provisions of these Our Letters Patent, administer the Government of the Colony.

Term  
"the Governor"  
explained.

XV. In the construction of these Our Letters Patent, the term "the Governor," unless inconsistent with the context, shall include every person for the time being administering the Government of the Colony.

Power reserved  
to His Majesty to  
revoke, alter, or  
amend present  
Letters Patent.

XVI. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent, as to Us or them shall seem fit.

Proclamation of  
Letters Patent.

XVII. And We do direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places within the Colony as the Governor shall think fit, and shall commence and come into operation on a day to be fixed by the Governor by Proclamation in the Orange River Colony Government Gazette.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, this fifth day of June, in the seventh year of Our Reign.

By Warrant under the King's Sign Manual.

MUIR MACKENZIE.

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### No. 3.

INSTRUCTIONS PASSED UNDER THE ROYAL SIGN MANUAL AND SIGNET TO  
THE GOVERNOR AND COMMANDER-IN-CHIEF OF THE ORANGE RIVER  
COLONY.

EDWARD R. & I.

*Dated 5th  
June, 1907.*

INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our Orange River Colony, or other Officer for the time being administering the Government of Our said Colony.

Given at Our Court at Saint James's, this fifth day of June, 1907, in the seventh year of Our Reign.

Preamble.

WHEREAS by certain Letters Patent bearing even date herewith We have constituted, ordered, and declared that there shall be a Governor and Commander-in-Chief (therein and hereinafter called the Governor) in and over Our Orange River Colony (therein and hereinafter called the Colony):

Recites Letters'  
Patent, constitut-  
ing the Office of  
Governor.

And whereas We have by the said Letters Patent authorized, empowered, and commanded the Governor to do and execute all things that belong to his said office, according to the tenor of the said Letters Patent and any other Our Letters Patent having effect within the Colony, and of such Commission as may be issued to him under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to him under Our Sign Manual and Signet or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and to such Laws as are now or shall hereafter be in force in the Colony:



Now, therefore, We do hereby direct and enjoin and declare Our Will and pleasure to be as follows :—

I. In these Our Instructions, unless inconsistent with the context, the term “ Governor ” shall include every person for the time being administering the Government of the Colony. Term “ Governor.”

II. The Governor may, whenever he thinks fit, require any person in the public service to take the Oath of Allegiance, together with such other Oath or Oaths as may from time to time be prescribed by any Law in force in the Colony. The Governor is to administer such Oaths or cause them to be administered by some Public Officer of the Colony. Oaths to be administered by Governor.

III. The Governor shall forthwith communicate these Our Instructions to the Executive Council, and likewise all such others, from time to time, as he shall find convenient for Our service to impart to them. Governor to communicate Instructions to Executive Council.

IV. The Executive Council shall not proceed to the despatch of business unless duly summoned by authority of the Governor, nor unless two Members at the least (exclusive of himself or of the Member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be despatched. Executive Council not to proceed to business unless summoned by the Governor’s authority.

V. The Governor shall attend and preside at the meetings of the Executive Council, unless prevented by some necessary or reasonable cause, and in his absence such Member as may be appointed by him in that behalf, or in the absence of such Member the senior Member of the Executive Council actually present shall preside. The seniority of the Members of the said Council shall be prescribed by the Governor. Quorum.  
Governor to preside, and in his absence such Member as he may appoint, or the senior Member to preside.  
Seniority of Members.

VI. In the execution of the powers and authorities vested in him, the Governor shall be guided by the advice of the Executive Council, but if in any case he shall see sufficient cause to dissent from the opinion of the said Council, he may act in the exercise of his said powers and authorities in opposition to the opinion of the Council, reporting the matter to Us without delay, with the reasons for his so acting. Governor to take advice of Executive Council.

In any such case it shall be competent to any Member of the said Council to require that there be recorded upon the Minutes of the Council the grounds of any advice or opinion that he may give upon the question.

VII. The Governor shall not assent in Our name to any law of any of the following classes :— Description of laws not to be assented to.

1. Any law for divorce.
2. Any law whereby any grant of land or money, or other donation or gratuity, may be made to himself.
3. Any law affecting the currency of the Colony.
4. Any law imposing differential duties.
5. Any law the provisions of which shall appear inconsistent with obligations imposed on Us by Treaty.
6. Any law interfering with the discipline and control of Our forces in the Colony by land or sea.
7. Any law of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of Our subjects not residing in the Colony, or the trade and shipping of the United Kingdom and its dependencies, may be prejudiced.
8. Any law containing provisions to which Our assent has been once refused, or which have been disallowed by Us:

Unless he shall have previously obtained Our instructions upon such law through one of Our Principal Secretaries of State, or unless such law shall contain a clause suspending the operation thereof until the signification in the Colony of Our pleasure thereupon.

VIII. Whenever any offender shall have been condemned to suffer death by the sentence of any Court, the Governor shall consult the Executive Council upon the case of such offender, submitting to the Council any Report that may have been made by the Judge who tried the case; and, whenever it appears advisable to do so, taking measures to invite the Regulation of power of pardon in capital cases.  
Judge’s Report to be laid before Executive Council.



Governor to  
consult Executive  
Council in such  
cases.

May exercise his  
own judgment.

Entering his  
reasons on the  
Council Minutes.

Officers to be  
appointed during  
pleasure.

Governor not to  
quit the Colony.

Temporary leave  
of absence.

Governor's ab-  
sence from the  
Colony.

attendance of such Judge at the Council. The Governor shall not pardon or reprove any such offender unless it shall appear to him expedient so to do, upon receiving the advice of the Executive Council thereon; but in all such cases he is to decide either to extend or to withhold a pardon or reprove, according to his own deliberate judgment, whether the Members of the Executive Council concur therein or otherwise; entering, nevertheless, on the Minutes of the Executive Council a Minute of his reasons at length, in case he should decide any such question in opposition to the judgment of the majority of the Members thereof.

IX. All Commissions granted by the Governor to any persons to be officers in the Colony shall, unless otherwise provided by law, be granted during pleasure only.

X. Except in accordance with the provisions of any Letters Patent or of any Commission under Our Sign Manual and Signet, the Governor shall not, upon any pretence whatever, quit the Colony without having first obtained leave from Us for so doing under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State, unless for the purpose of visiting the High Commissioner for South Africa or the Governor or Officer Administering the Government of some neighbouring Colony or State, for periods not exceeding one month at any one time, nor exceeding in the aggregate one month for every year's service in the Colony.

XI. The temporary absence of the Governor for any period not exceeding one month shall not, if he have previously informed the Executive Council, in writing, of his intended absence, and if he have duly appointed a Deputy in accordance with the above recited Letters Patent, nor shall any extension of such period sanctioned by one of Our Principal Secretaries of State and not exceeding fourteen days, be deemed absence from the Colony within the meaning of the said Letters Patent.

E. R. & I.

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## APPENDIX I.

## THE SECRETARY OF STATE TO THE GOVERNOR.

(Sent, 17th December, 1906.)

## TELEGRAM.

(17th December. No. 1.)

HIS Majesty's Government have throughout been anxious that no unnecessary delay should take place in the accomplishment of the declared purpose of His Majesty to confer Responsible Government upon the Orange River Colony; and they are now able to announce that the main bases and provisions of the Constitution as granted to the Transvaal shall equally apply in the case of the older sister Colony, and they will therefore advise His Majesty to issue Letters Patent for the Orange River Colony following in its substantial features the Transvaal Letters Patent of the 6th instant.

Representation will be on voters basis, coupled with manhood suffrage and a residential qualification of six months.

The magisterial districts will be retained with their existing boundaries for electoral purposes, and there will be separate representation of towns.

The Legislative Assembly will consist of 38 members, comprising 27 district members and 11 town members.

*List of Constituencies.*

Districts—	Members.
Bloemfontein, Kroonstad, Rouxville, and Winburg ...	2 members each.
Bethlehem, Bethulie, Boshof, Edenburg, Ficksburg, Frankfort, Harrismith, Heilbron, Hoopstad, Ladybrand, Lindley, Philippolis, Senekal, Smithfield, Thaba'Nchu, Vrede, Vredefort, and Wepener	1 member each.
Fauresmith and Jacobsdal (together) ...	1 member.
Towns—	
Bloemfontein ...	5 members.
Harrismith, Kroonstad, Bethlehem with Fouriesburg and Ficksburg (together), Jagersfontein and Koffyfontein (together), Parys with Vredefort and Heilbron (together), Ladybrand and Thaba'Nchu (together)	1 member each.

The allocation of seats has been made on the results of the Census of 1904, except that five members are allotted to Bloemfontein town to allow for an increase of population. The principle followed is similar to that laid down in the case of the Transvaal in Schedule 3 of the Letters Patent.

Provision will be made for automatic redistribution.

The Legislative Council will consist of 11 members, and will be constituted in the first instance by nomination, as in the case of the Transvaal.

The provisions with respect to the Intercolonial Council and land settlement and reservation of laws on certain subjects will be similar to those in the Transvaal Letters Patent.—ELGIN.

## APPENDIX II.

## THE SECRETARY OF STATE TO THE GOVERNOR.

(Sent, 7th June, 1907.)

## TELEGRAM.

(7th June. No. 2.)

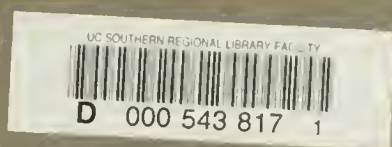
I AM sending to you by mail of to-morrow Letters Patent establishing Responsible Government in Orange River Colony. Full information as to text will reach you to-day, and you should publish on 10th June. Commission to Goold-Adams as Governor is also being sent. Latter revokes your Commission from date when Letters Patent come into force. You should therefore issue Proclamation bringing into force Letters Patent on arrival of Goold-Adams's Commission.

In announcing to you transmission of Letters Patent, I am commanded by His Majesty to express his confidence that the inhabitants of the Orange River Colony will continue to enjoy in an increasing measure under the new Constitution the prosperity and contentment which have distinguished their country in the past.

I have to add on behalf of His Majesty's Government an expression of their sincere satisfaction at the consummation of the policy announced in His Majesty's Speech from the Throne on the 19th February, 1906, in accordance with which free institutions have now been bestowed upon the Orange River Colony in no less ample a manner than upon the sister Colony of the Transvaal.—ELGIN







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